



2001 SENATE BILL 55

February 20, 2001 – Introduced by JOINT COMMITTEE ON FINANCE, by request of Governor Scott McCallum. Referred to Joint committee on Finance.

1 **AN ACT relating to:** state finances and appropriations, constituting the
2 executive budget act of the 2001 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the “executive budget bill” under section 16.47 (1) of the statutes. It contains the governor’s recommendations for appropriations for the 2001–2003 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2001–2003 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are 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 department of administration’s publication *Budget in Brief* and the executive budget books, the legislative fiscal bureau’s summary document, and the legislative reference bureau’s drafting files, which 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.

SENATE BILL 55**GUIDE TO THE BILL**

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

Treatments of prior session laws (styled "laws of [year], chapter ..." from 1848 to 1981, and "[year] Wisconsin Act ..." beginning with 1983) are displayed next by year of original enactment and by act number.

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

- 91XX Nonstatutory provisions.**
- 92XX Appropriation changes.**
- 93XX Initial applicability.**
- 94XX Effective dates.**

The remaining two digits indicate the state agency to which the provision relates:

- XX01 Administration.**
- XX02 Adolescent pregnancy prevention and pregnancy services board.**
- XX03 Aging and long-term care board.**
- XX04 Agriculture, trade and consumer protection.**
- XX05 Arts board.**
- XX06 Boundary area commission, Minnesota-Wisconsin.**
- XX07 Building commission.**
- XX08 Child abuse and neglect prevention board.**
- XX09 Circuit courts.**
- XX10 Commerce.**
- XX11 Corrections.**
- XX12 Court of appeals.**
- XX13 District attorneys.**
- XX14 Educational communications board.**
- XX15 Elections board.**
- XX16 Employee trust funds.**
- XX17 Employment relations commission.**
- XX18 Employment relations department.**
- XX19 Ethics board.**
- XX20 Financial institutions.**
- XX21 Governor.**
- XX22 Health and Educational Facilities Authority.**
- XX23 Health and family services.**
- XX24 Higher educational aids board.**
- XX25 Historical society.**
- XX26 Housing and Economic Development Authority.**

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- XX27 Insurance.**
- XX28 Investment board.**
- XX29 Joint committee on finance.**
- XX30 Judicial commission.**
- XX31 Justice.**
- XX32 Legislature.**
- XX33 Lieutenant governor.**
- XX34 Lower Wisconsin state riverway board.**
- XX35 Medical College of Wisconsin.**
- XX36 Military affairs.**
- XX37 Natural resources.**
- XX38 Personnel commission.**
- XX39 Public defender board.**
- XX40 Public instruction.**
- XX41 Public lands, board of commissioners of.**
- XX42 Public service commission.**
- XX43 Regulation and licensing.**
- XX44 Revenue.**
- XX45 Secretary of state.**
- XX46 State fair park board.**
- XX47 Supreme Court.**
- XX48 Technical college system.**
- XX49 Technology for educational achievement in Wisconsin board.**
- XX50 Tobacco control board.**
- XX51 Tourism.**
- XX52 Transportation.**
- XX53 Treasurer.**
- XX54 University of Wisconsin Hospitals and Clinics Authority.**
- XX55 University of Wisconsin Hospitals and Clinics Board.**
- XX56 University of Wisconsin System.**
- XX57 Veterans affairs.**
- XX58 Workforce development.**
- XX59 Other.**

For example, for general nonstatutory provisions relating to the historical society, see SECTION 9125. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number "59" (other) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading.

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Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used acronyms appearing in the analysis:

DATCP ... Department of Agriculture, Trade and Consumer Protection
 DER Department of Employment Relations
 DETF Department of Employee Trust Funds
 DFI Department of Financial Institutions
 DHFS Department of Health and Family Services
 DMA Department of Military Affairs
 DNR Department of Natural Resources
 DOA Department of Administration
 DOC Department of Corrections
 DOJ Department of Justice
 DOR Department of Revenue
 DORL Department of Regulation and Licensing
 DOT Department of Transportation
 DPI Department of Public Instruction
 DVA Department of Veterans Affairs
 DWD Department of Workforce Development
 JCF Joint Committee on Finance
 OCI Office of the Commissioner of Insurance
 PSC Public Service Commission
 UW University of Wisconsin
 WHEDA .. Wisconsin Housing and Economic Development Authority
 WHEFA ... Wisconsin Health and Educational Facilities Authority

AGRICULTURE

AGRICULTURAL PRODUCER SECURITY

This bill changes the laws concerning milk contractors, grain dealers, grain warehouse keepers, and vegetable contractors (contractors). A milk contractor is a person who buys milk from milk producers or who markets milk on behalf of producers. A grain dealer is a person who buys grain from grain producers or who markets grain on behalf of producers. A grain warehouse keeper is a person who operates a warehouse in which the person stores grain that belongs to someone else. A vegetable contractor is a person who buys vegetables from vegetable producers for use in food processing or who markets vegetables for use in food processing on behalf of producers.

Current law requires certain contractors to post security with DATCP to provide payment to producers in case the contractors default on payments owed to producers. This bill establishes a segregated fund, called the agricultural producer security fund (the fund), into which certain contractors must pay, and out of which

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DATCP provides payment to producers when those contractors default on payments owed to producers. The statutory changes concerning agricultural producer security take effect in 2002.

Milk contractors

Under current law, persons who operate dairy plants generally must be licensed by DATCP. There is no separate licensing requirement for milk contractors. Under current law, DATCP may not issue a license for a dairy plant unless the applicant's financial condition is such as to reasonably ensure prompt payment to milk producers. If a dairy plant operator does not meet minimum financial standards, the operator must file a bond or other security with DATCP or must provide for a trustee who receives payment for all dairy products produced by the dairy plant and who pays producers.

This bill requires a milk contractor to obtain a license from DATCP. A licensed milk contractor that files financial statements which show that the milk contractor does not meet minimum financial standards, or that does not file annual and quarterly financial statements, must contribute to the fund unless the contractor is disqualified from the fund. If a milk contractor that contributes to the fund defaults on payments to producers, DATCP pays default claims from the fund.

A milk contractor that is required to file security when first licensed (because the contractor has negative equity) is disqualified from the fund until DATCP releases the security. A milk contractor is disqualified from the fund if DATCP denies, suspends, or revokes the contractor's license. DATCP may also disqualify a milk contractor from the fund for other reasons, such as failing to pay required fund assessments. If DATCP disqualifies a milk contractor from the fund and the milk contractor files a financial statement that shows that the contractor does not meet minimum financial standards, the milk contractor may not act as a milk contractor in this state.

The bill establishes the formula for determining the amount of the assessments that must be paid by a milk contractor that contributes to the fund, except that DATCP may, by rule, provide for a different formula. The assessments are based on a milk contractor's financial condition, the amount spent to procure milk from producers, and the number of consecutive years that the contractor has contributed to the fund.

The bill requires a milk contractor to maintain insurance that covers all milk and milk products in the possession of the milk contractor.

As under current law, the bill requires a milk contractor to pay a monthly fee to DATCP, based on the amount of milk that the milk contractor procures. Under the bill, if the balance in the fund contributed by milk contractors exceeds \$4,000,000 on any February 28, DATCP must use 50% of the excess to reduce these monthly fees.

Grain dealers

Under current law, most grain dealers are required to be licensed. If a grain dealer does not meet minimum financial standards, the grain dealer is required to file security with DATCP.

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Under this bill, a grain dealer must obtain a license from DATCP unless the dealer pays cash on delivery for all producer-owned grain that the dealer procures or the dealer buys grain solely for the dealer's own use as feed or seed and spends less than \$400,000 per license year for that grain. A grain dealer that is required to be licensed must contribute to the fund, unless the dealer is disqualified. If a grain dealer that contributes to the fund defaults on payments to producers, DATCP pays default claims from the fund.

A grain dealer that is required to file security (because the dealer has negative equity) with DATCP when the grain dealer is first licensed under this bill is disqualified from the fund until DATCP releases the security. A grain dealer is disqualified from the fund, and required to pay cash on delivery for grain, if DATCP denies, suspends, or revokes the dealer's license or if DATCP disqualifies the dealer for cause.

The bill establishes the formula for determining the amount of the assessments that must be paid by a grain dealer that contributes to the fund, except that DATCP may, by rule, provide for a different formula. The assessments are based on a grain dealer's financial condition, the amount spent to procure grain from producers, the amount incurred under deferred payment contracts, and the number of consecutive years that the dealer has contributed to the fund.

The bill requires a grain dealer to maintain insurance to cover all grain in the custody of the grain dealer.

Under the bill, grain dealer license fees vary based on the amount that the grain dealer pays for grain during a license year and the number of trucks used to haul grain. Under the bill, if the balance in the fund contributed by grain dealers exceeds \$2,000,000 on any June 30, DATCP must use 50% of the excess to reduce license fees.

Grain warehouse keepers

Current law requires a grain warehouse keeper that holds 50,000 or more bushels of grain for others at any time to obtain a license from DATCP. A grain warehouse keeper that does not satisfy minimum financial standards must file security with DATCP.

Under this bill, a licensed grain warehouse keeper is required to contribute to the fund, unless the warehouse keeper is disqualified. If a grain warehouse keeper that contributes to the fund fails to deliver grain to depositors upon demand, DATCP pays default claims from the fund.

A grain warehouse keeper that is required to file security (because the warehouse keeper has negative equity) with DATCP when the warehouse keeper is first licensed under this bill is disqualified from the fund until DATCP releases the security. A grain warehouse keeper is also disqualified from the fund if DATCP denies, suspends, or revokes the warehouse keeper's license.

The bill establishes the formula for determining the amount of the assessments that must be paid by a grain warehouse keeper that contributes to the fund, except that DATCP may, by rule, provide for a different formula. The assessments are based on a warehouse keeper's financial condition, the capacity of the warehouses, and the number of consecutive years that the warehouse keeper has contributed to the fund.

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The bill specifies annual grain warehouse keeper fees that are based on combined warehouse capacity. Under the bill, if the balance in the fund contributed by grain warehouse keepers exceeds \$300,000 on any June 30, DATCP must use 12.5% of the excess to reduce license fees.

Vegetable contractors

Current law requires a vegetable contractor to obtain a registration certificate from DATCP. A vegetable contractor that does not meet minimum financial standards must file security with DATCP unless the contractor makes payment on delivery for all vegetables obtained from producers or the contractor is a producer-owned cooperative doing business solely with its producer-owners.

This bill requires a vegetable contractor to obtain a license from DATCP. A licensed vegetable contractor must contribute to the fund unless the contractor makes payment on delivery for all vegetables obtained from producers, the contractor is a producer-owned cooperative that procures vegetables only from its producer owners, or the contractor is disqualified. If a vegetable contractor that contributes to the fund defaults on payments to producers, DATCP pays default claims from the fund.

A vegetable contractor that is required to file security with DATCP when the vegetable contractor is first licensed under this bill because the contractor has negative equity is disqualified from the fund until DATCP releases the security. A vegetable contractor is disqualified from the fund if DATCP denies, suspends, or revokes the contractor's license. A vegetable contractor is disqualified from the fund, and required to pay cash on delivery for all vegetables received from producers, if DATCP issues a written notice disqualifying the contractor for cause, including failure to pay fund assessments when due.

The bill establishes the formula for determining the amount of the assessments that must be paid by a vegetable contractor that contributes to the fund, except that DATCP may, by rule, provide for a different formula. The assessments are based on a vegetable contractor's financial condition, the amount spent to procure vegetables from producers, the amount incurred under deferred payment contracts, and the number of consecutive years that the contractor has contributed to the fund.

The bill requires a vegetable contractor to maintain insurance to cover all vegetables in the custody of the contractor, unless the vegetable contractor pays cash on delivery for all vegetables or the contractor is a producer-owned cooperative that procures vegetables only from its producer owners.

Under the bill, vegetable contractor license fees are based on the amount that a vegetable contractor owed to vegetable producers over the course of the contractor's most recent fiscal year. Under the bill, if the balance in the fund contributed by vegetable contractors exceeds \$1,000,000 on any November 30, DATCP must use 50% of the excess to reduce license fees.

Recovery proceedings and administration

Under this bill, when contractors who are licensed, or required to be licensed, fail to make payments when due or when grain warehouse keepers fail to return stored grain upon demand, producers or their agents may file default claims with DATCP.

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The bill specifies payment amounts for each claim against a contractor that was contributing to the fund when the default occurred. For a claim against a milk contractor or grain dealer, the payment amount is 90% of the first \$20,000 allowed, 85% of the next \$20,000 allowed, 80% of the next \$20,000 allowed, and 75% of any amount allowed in excess of \$60,000. For a claim against a grain warehouse keeper, the payment amount is 100% of the first \$100,000 allowed. For a claim against a vegetable contractor, the payment amount is 90% of the first \$40,000 allowed, 85% of the next \$40,000 allowed, 80% of the next \$40,000 allowed, and 75% of any amount allowed in excess of \$120,000. If a contractor was not contributing to the fund when the default occurred but had posted security with DATCP, DATCP uses the security proceeds to pay the full amount of the allowed claims, except that, as under current law, if the security is not adequate to pay the full amount of the allowed claims, DATCP pays the claimants on a prorated basis. A claimant that does not receive full payment may sue the contractor for the balance of the allowed claim.

The bill requires DATCP to obtain three surety bonds, called industry bonds. One bond is to secure payments of claims against contributing milk contractors, one to secure payments of claims against contributing grain dealers and warehouse keepers, and one to secure payment of claims against contributing vegetable contractors. In addition, the bill requires DATCP to obtain a blanket surety bond. The bill requires DATCP to make a demand against the appropriate industry bond if payments of claims against contributing contractors in that industry exceed a threshold specified in the bill. The bill requires DATCP to make a demand against the blanket bond if claims against contributing contractors in an industry exceed the amount available under the industry bond.

The bill authorizes DATCP to demand that a defaulting contractor reimburse DATCP for any claim amounts that were paid from the fund because of the contractor's default. The bill also authorizes a person who issues an industry bond or the blanket bond to require a defaulting contractor to reimburse the amounts that the person paid out because of the contractor's default.

OTHER AGRICULTURE

Under current law, for a person to claim the farmland preservation tax credit, the land to which the claim relates must be subject either to a farmland preservation agreement or to an exclusive agricultural use zoning ordinance. A farmland preservation agreement is between the landowner and DATCP. The agreement commits the owner to keep the land in agricultural use for the duration of the agreement, up to 25 years, although DATCP may release land from an agreement under certain circumstances. Under current law, in some of the circumstances under which DATCP may release land from a farmland preservation agreement, or if land is rezoned from exclusive agricultural use, DATCP is required to file a lien against the land in the amount of the farmland preservation credit received by the owner during the preceding ten years.

This bill eliminates the requirement that DATCP file a lien against land that is released from a farmland preservation agreement or that is rezoned from exclusive agricultural use. Under the bill, DATCP may not release land from a farmland

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preservation agreement until the owner pays \$50 per acre to this state, except in certain situations such as the death or disability of the owner. Also under the bill, a local governmental unit must require a payment of \$60 per acre as a condition of rezoning land from exclusive agricultural zoning. The local governmental unit forwards the payment to the state.

Under current law, if DATCP finds that plants or other pest-harboring materials on agricultural lands or agricultural business premises are so infested with injurious pests as to constitute a hazard to plant or animal life in this state, DATCP may order the property owner to treat the premises or treat or destroy the infested plants or other material. If the property owner fails to comply with the order, DATCP may treat the premises or treat or destroy the infested plants or other material. This bill eliminates the provision that restricts DATCP's authority regarding treatment of infested premises and treatment or destruction of infested plants and other material to agricultural lands and agricultural business premises.

Under the current Soil and Water Resource Management Program, DATCP awards grants to counties to help the counties reduce soil erosion and water pollution. This bill increases the authorized general obligation bonding authority for the Soil and Water Resource Management Program by \$7,000,000.

Under current law, DATCP awards agricultural research and development grants to fund demonstration projects, feasibility analyses, and applied research on new or alternative technologies and practices that will stimulate agricultural development. This bill authorizes DATCP to award grants and provide technical assistance to support preliminary research on potential business enterprises that may increase the value of raw agricultural commodities. The bill provides Indian gaming receipts for the new grant program and for the existing agricultural research and development grant program.

Under current law, a person is subject to a fine or imprisonment if the person violates certain laws enforced by DATCP, including laws relating to the manufacture, distribution, and sale of commercial feed, laws relating to the safety of certain consumer products, and laws relating to hazardous substances. This bill provides that a person who violates any of these laws may be subject to a forfeiture (civil monetary penalty) or to the existing criminal penalties.

Current law provides for a World Dairy Center Authority. The duties of the authority include establishing a center for the development of dairying in the United States and the world. This bill eliminates the World Dairy Center Authority.

COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

Under this bill, the department of commerce (department) must designate up to 20 areas in the state as technology zones. The department may certify any new

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or expanding high-technology business located in a designated technology zone for a tax credit that is based on the amount of real and personal property taxes that the business paid in the taxable year; the amount of sales and use taxes that the business paid in the taxable year; and the amount of income and franchise taxes that the business paid in the taxable year. A business certified by the department may claim the tax credit for three years, or for up to five years if the business experiences growth to an extent determined by the department, but the total amount that a business may claim is limited by the department, and not more than \$5,000,000 in tax credits may be claimed by all businesses certified in a technology zone.

This bill designates an area in the city of Milwaukee as a development opportunity zone and authorizes up to \$4,700,000 to be claimed in tax credits for economic activity in the zone. The bill also provides that a person conducting economic activity in this new development opportunity zone who would not otherwise be able to claim tax credits may be certified for tax credits if: 1) the economic activity is instrumental in enabling another person to conduct economic activity in the zone that would not have occurred but for the first person's involvement; 2) the department determines that the person being certified for tax credits will pass the benefit of the tax credits through to the other person conducting the economic activity in the zone; and 3) the other person conducting economic activity in the zone does not claim tax credits for the economic activity.

In addition, the bill creates an income tax and franchise tax credit for a business that is certified to receive tax credits in the new development opportunity zone that is equal to 3% of the following: 1) the purchase price of tangible personal property that is used for at least 50% of its use for the business at a location in the zone; and 2) the amount expended to acquire, construct, rehabilitate, remodel, or repair real property in the zone. A business may claim the credit only to offset taxes that are imposed on income that is attributable to the operations of the business in the development zone.

Under the current community-based economic development programs, the department awards grants to counties, cities, villages, towns, and community-based organizations for various purposes related to promoting economic development at the community level. This bill eliminates these programs and creates the New Economy for Wisconsin (NEW) Program. Under NEW, the department may award grants, not exceeding \$100,000 each, to community-based business incubators and nonprofit organizations that provide services to high-technology businesses or that promote entrepreneurship. Grant proceeds may be used only for assisting small businesses (businesses with fewer than 100 employees) in adopting new technologies in their operations, for assisting technology-based small businesses in activities that further technology transfer, or for assisting entrepreneurs in discovering business opportunities.

Under the current Gaming Economic Development Grant and Loan Program, the department may award a grant for professional services, or award a grant or

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make a loan for fixed asset financing, to an existing business in this state if the business has been negatively affected by the existence of a casino and has a legitimate need for the grant or loan to improve profitability. Under the current Gaming Economic Diversification Program, the department may award a grant or make a loan to an existing business in this state for a project that will diversify the economy of a community. Each program is funded with Indian gaming receipts.

Under this bill, start-up businesses, in addition to existing businesses, are eligible for the grants and loans under both programs. The bill adds remediating brownfields (which are abandoned, idle, or underused industrial or commercial facilities or sites that are adversely affected for expansion or redevelopment by actual or perceived environmental contamination) as a project purpose for which grants and loans may be awarded under the Gaming Economic Diversification Program. In addition, the bill authorizes the department to award a grant to the M7 Development Corporation for construction of a multipurpose center at Lincoln Park in the city of Milwaukee and to award grants to the Chippewa Valley Technical College for a health care education center. These grants are paid out of Indian gaming receipts.

Under the current Physician Loan Assistance Program, the department may repay, over a three-year period, up to \$50,000 in educational loans on behalf of a physician who specializes in family practice, general internal medicine, general pediatrics, obstetrics and gynecology, or psychiatry and who agrees to practice at least 32 hours per week for three years in a clinic in one or more eligible practice areas in this state. This bill expands the Physician Loan Assistance Program to include dentists.

Under current law, the department must award grants not exceeding a total of \$900,000 to the city of Milwaukee for a matching grant program administered by the Milwaukee Economic Development Corporation. Under that program, grants are provided to persons for remediation and economic redevelopment projects in the Menomonee valley. Funding comes from Indian gaming receipts. This bill requires the department to make grants in the 2001-03 fiscal biennium directly to the Milwaukee Economic Development Corporation for its matching grant program and to the Menomonee Valley Partners, Inc. Funding comes from Indian gaming receipts. The proceeds of these grants must be used to support job creation and private sector implementation of the Menomonee valley land use plan.

WHEDA currently administers a number of loan guarantee programs under which WHEDA guarantees repayment of a percentage of the outstanding principal amounts of loans made by private lenders to qualified borrowers for various business and agricultural purposes. Most of the loan guarantee programs are backed by funds in the Wisconsin development reserve fund. Each loan guarantee program has a limit on the total outstanding principal amount of all loans that WHEDA may guarantee under the program (guarantee limit). In that way, WHEDA may

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guarantee more loans under a program as the loans already guaranteed under that program are repaid.

The bill eliminates the separate guarantee limit under each of the guarantee loan programs that are backed by the Wisconsin development reserve fund and establishes one overall guarantee limit of \$62,000,000 for all programs backed by that reserve fund. Thus, as loans guaranteed under a program that is backed by the Wisconsin development reserve fund are repaid, WHEDA may guarantee more loans under any of the programs that are backed by that reserve fund.

Current law requires WHEDA to ensure that the cash balance in the Wisconsin development reserve fund is maintained at a ratio of \$1 of reserve funding to \$4.50 of outstanding principal that WHEDA may guarantee under all of its loan guarantee programs, except the cultural and architectural landmark loan guarantee program, under which WHEDA no longer guarantees new loans. This bill changes the ratio at which WHEDA must maintain the Wisconsin development reserve fund to \$1 of reserve funding to \$5.50 of outstanding principal that WHEDA may guarantee under all of the programs guaranteed from the fund, except the cultural and architectural landmark loan guarantee program. The reserve funding ratio for that program remains at \$1 of reserve funding to \$4 of outstanding guaranteed principal.

Currently, under the Small Business Development Loan Guarantee Program, WHEDA may guarantee repayment of up to the lesser of \$200,000 or 80% of the principal of a loan made by a private lender to a small business (a business with 50 or fewer full-time employees) or the elected governing body of a federally recognized American Indian tribe or band in this state. The proceeds of a small business development loan may be used only for expenses associated with the expansion or acquisition of a business or with the start-up of a day care business. This bill adds to the eligible uses of a small business development loan expenses associated with the start-up of a small business in a vacant storefront in the downtown area of a city, town, or village with a population of less than 50,000.

Currently, in each fiscal biennium, the department of tourism may select up to two areas of the state to participate in the Heritage Tourism Program, which entitles an area to assistance in assessing its potential for heritage tourism (tourism that is based on historical or prehistorical resources) and in developing and implementing a plan to increase such tourism. The department of tourism awards grants for promoting heritage tourism in the selected areas to the persons that applied on behalf of the areas. Only one grant may be awarded to an applicant in a fiscal year, and grants may be awarded to an applicant only in two fiscal years.

This bill provides that the two grants that may be awarded to an applicant on behalf of a selected area may be awarded only in the two fiscal years of the fiscal biennium in which the area was selected. The bill also provides that, after the fiscal biennium in which an area was selected, the department of tourism may award grants of up to \$5,000 in a fiscal year to a nonprofit organization that is located in

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the area. A nonprofit organization is eligible for the new grants even if it previously received grants as the applicant on behalf of the area.

Under current law, WHEFA may issue bonds to finance facilities and related structures that are used for post-secondary education. This bill allows WHEFA to issue bonds to finance facilities and related structures that are used for primary and secondary education.

Under the current Brownfields Grant Program, the department of commerce (department) awards grants to persons, municipalities, and local development corporations for redevelopment of brownfields and remediation activities associated with the redevelopment. This bill provides that all of the following are eligible for a brownfields grant: an individual, partnership, limited liability company, corporation, nonprofit organization, city, village, town, county, or trustee, including a trustee in bankruptcy.

Under current law, the department may award up to \$1,000,000 in grants each fiscal year to technology-based nonprofit organizations to provide support for manufacturing extension centers. This bill eliminates the June 30, 2001, expiration date of the Manufacturing Extension Center Grant Program.

COMMERCE***Uniform Electronic Transactions Act***

This bill enacts a version of the Uniform Electronic Transactions Act (UETA), which was approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws in 1999. Currently, a combination of state and federal laws govern the use of electronic documents and signatures in this state. The most significant federal law in this regard is the Electronic Signatures in Global and National Commerce Act, commonly known as "E-sign." Although E-sign contains provisions that potentially affect the maintenance and destruction of public records and the acceptance of electronic documents by governmental units, E-sign primarily affects the use of electronic documents and signatures in consumer and business transactions.

E-sign generally preempts inconsistent state laws. However, with possible limited exceptions, E-sign does not preempt a state law that constitutes an enactment of the recommended version of UETA. This bill contains only minor, nonsubstantive changes to the recommended version of UETA as necessary to incorporate UETA into the existing statutes. Several provisions of UETA are subject to varying interpretations. Unless otherwise noted, this analysis reflects the interpretation, if any, that is supported by the prefatory note or official comments to the recommended version of UETA.

Like E-sign, the bill primarily affects the use of electronic documents and electronic signatures in transactions. Under the bill's broad definitions, such things as information stored on a computer disk or a voice mail recording would likely qualify for use as an electronic document. However, like E-sign, this bill does not apply to the execution of wills, to testamentary trusts, or to a transaction governed by any chapter of this state's version of the Uniform Commercial Code other than the chapter dealing with sales of goods. Unlike E-sign, this bill may permit the use of

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electronic documents for matters relating to family law; court documents; notices of the cancellation of utility services; certain notices of default, acceleration, repossession, foreclosure, eviction, or the right to cure; certain notices of the cancellation or termination of health insurance or life insurance; and product recall notices.

Like E-sign, this bill specifies that a document or signature may not be denied legal effect or enforceability solely because it is in electronic form. Unlike E-sign, this bill further states that an electronic document satisfies any law requiring a document to be in writing and that an electronic signature satisfies any law requiring a signature. The bill does not require the use of electronic documents or electronic signatures. Rather, the bill applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. However, unlike current law under E-sign, this bill does not contain any protections that specifically apply only to consumer transactions. The consumer protections currently in effect under E-sign would likely have no effect in this state upon the enactment of this bill.

Under this bill, a person may use an electronic document in a transaction to satisfy any law requiring the person to provide, send, or deliver information in writing to another person, if the electronic document satisfies certain conditions. Although the bill also states that a document relating to a transaction may not be denied legal effect solely because it is in electronic form, the bill likely permits a person to deny the legal effect of an electronic document that does not satisfy these conditions. The bill also specifies that, with certain exceptions, a document must satisfy any law requiring the document to be posted or displayed in a certain manner; to be sent, communicated, or transmitted by a specified method; or to contain information that is formatted in a certain manner. Although this provision is subject to varying interpretations, it likely requires the parties to a transaction to comply with any legal requirement relating to the provision of information *other than a requirement that the information be provided on paper*.

The bill establishes the time and location of the sending and receipt of an electronic document, although the parties to a transaction may agree to alter the effect of these provisions. The bill also permits a sender to expressly provide in an electronic document that the document is deemed to be sent from a different location. The bill also establishes the legal effects of any change or error in an electronic document that occurs in a transmission between the parties to a transaction. These effects depend in part upon whether the parties have consented to the use of a security procedure and whether the transaction is an automated transaction involving an individual.

With certain exceptions, this bill permits the use of an electronic document to satisfy any law that requires document retention, as long as the retained information satisfies certain requirements relating to content and accessibility. An electronic document retained in compliance with these provisions has the same legal status as the original document and need not contain any information the sole purpose of which is to enable the document to be sent, communicated, or received. Under current law, this ancillary information is normally required to be retained if the

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document to which it is attached is required to be retained. The bill specifies that the state may enforce laws enacted after this bill that prohibit a person from using an electronic document to satisfy any requirement that the person retain a document for evidentiary, audit, or like purposes. It is unclear, though, what types of retention requirements are enacted for “evidentiary, audit, or like purposes.” The bill also specifies that it does not preclude a governmental unit of this state from imposing additional requirements for the retention of any document subject to its jurisdiction. It is unclear how this provision relates to other provisions of the bill which provide that certain electronic documents satisfy any retention requirement.

Like E-sign, this bill also permits electronic notarization, acknowledgement, or verification of a signature or document relating to a transaction, as long as the electronic signature of the person performing the notarization, acknowledgement, or verification is accompanied by all other information required by law. In addition, like E-sign, this bill contains provisions potentially affecting the maintenance and destruction of public records. However, this potential effect is less likely to occur under this bill, if the scope of the UETA provisions is interpreted to be consistent with the prefatory note and comments to the recommended version of UETA. The bill also clarifies an ambiguity in current law under E-sign by authorizing a person to submit an electronic document or signature to a governmental unit only if the governmental unit consents.

Universal banking

This bill allows a savings bank, a savings and loan association, and a state bank (a financial institution) to become certified by the division of banking in DFI as a universal bank. If certified as a universal bank, the financial institution may exercise certain additional powers.

In order to be certified as a universal bank, a financial institution must be chartered or organized, and regulated, as a Wisconsin financial institution and be in existence and continuous operation for at least three years; must be well-capitalized; must not exhibit moderately severe or unsatisfactory financial, managerial, operational, and compliance weaknesses; and must not have been the subject of any enforcement action within the 12 months preceding the application. In addition, the most recent evaluation of the financial institution under the federal Community Reinvestment Act must rate the financial institution as outstanding or satisfactory at helping to meet the credit needs of its entire community. Also, the most recent evaluation of the financial institution under certain federal laws relating to customer privacy must indicate that the financial institution is in substantial compliance with those federal laws. A financial institution that the division of banking certifies as a universal bank retains its original status and remains subject to all of the laws that applied to the financial institution prior to its certification as a universal bank, except to the extent that such laws are inconsistent with the powers and duties of universal banks. The bill expands the powers of a financial institution that becomes certified as a universal bank to include any activity authorized for any savings bank, savings and loan association, or state bank.

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The bill permits a universal bank, with the approval of the division of banking, to exercise all powers that may be exercised directly by a national bank, a federally chartered savings bank, or a federally chartered savings and loan association. The division of banking may require a universal bank to exercise a federal power through a subsidiary, in order to limit the risk of exposure of the universal bank. In addition, the bill permits a universal bank, with the approval of the division of banking, to exercise through a subsidiary all powers that a subsidiary of these federal financial institutions may exercise.

The bill permits a universal bank to deal in loans or extensions of credit for any purpose. Like state banks, the limitations imposed on a universal bank's lending generally focus on the total amount of liabilities of any one lender at any one time. Although the limit varies, the general rule is that the total liabilities of any one person to a universal bank may not exceed 20% of the capital of the universal bank. In addition, the bill grants a universal bank additional authority to lend an aggregate amount to all borrowers not to exceed 20% of the bank's capital. The division of banking may suspend this additional authority based upon factors including the universal bank's capital adequacy, management, earnings, liquidity, and sensitivity to market risk. The bill prohibits a universal bank, in determining whether to make a loan or extension of credit, from considering any health information obtained from the records of an affiliate of the universal bank that is engaged in the business of insurance, unless the person to whom the health information relates consents.

The bill permits a universal bank to purchase, sell, underwrite, and hold, to the extent consistent with safe and sound banking practices, certain investment securities in an amount up to 100% of the universal bank's capital. A universal bank may not invest greater than 20% of its capital in any one obligor or issuer. Subject to certain limits the bill also allows a universal bank to purchase, sell, underwrite, and hold equity securities. Universal banks may also invest in certain housing properties and projects and profit-participation projects. The bill provides that a universal bank also may invest without limitation in several specific types of securities. The universal bank may invest in risk management instruments, including financial futures transactions, financial operations transactions, and forward commitments, solely for the purpose of reducing, hedging, or otherwise managing its interest rate risk exposure. In addition, a universal bank may invest in other financial institutions. However, the bill contains specific provisions governing the purchase by a universal bank of its own stock and of stock in banks and bank holding companies.

The bill permits a universal bank to establish the types and terms of deposits that the universal bank solicits and accepts. A universal bank may pledge its assets as security for deposits and, with the approval of the division of banking, may securitize its assets for sale to the public. In addition, a universal bank may exercise certain safe deposit and trust powers.

The bill permits a universal bank to exercise all powers necessary or convenient to effect the purposes for which the universal bank is organized or to further the businesses in which the universal bank is lawfully engaged. In addition, the bill

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permits a universal bank to engage in activities that are reasonably related or incident to the purposes of the universal bank. Under the bill, any activity permitted under the federal Bank Holding Company Act satisfies the reasonably related or incidental criterion. The bill also contains a list of specific activities that meet the reasonably related or incidental criterion. The listed activities include: real estate-related services; insurance services, other than insurance underwriting; securities brokerage; investment advice; securities and bond underwriting; mutual fund activities; financial consulting; and tax planning and preparation. A universal bank may also engage in activities that the division of banking determines by rule are reasonably related or incidental to these listed activities. In addition, the division of banking, by rule, may determine that other activities are reasonably related or incidental activities. In promulgating these rules, the division of banking need not follow the standard notice, hearing, and publication requirements that generally apply to administrative rule making.

Credit unions

This bill expands the pool of individuals, organizations, and associations that are eligible for membership in a credit union. Under the bill, credit union membership is open to individuals who reside or are employed in well-defined, contiguous neighborhoods and communities, except that, if the office of credit unions determines, subsequent to a merger, that it is inappropriate to require the members of a credit union to reside or be employed in contiguous neighborhoods and communities, the requirement does not apply. In addition, membership is open to individuals who reside or are employed in well-defined, contiguous rural districts or multicounty regions. The bill also opens credit union membership to any organization or association that has its principal business location within any geographic limits of the credit union's field of membership. The bill also permits a credit union to accept any organization or association as a member if a majority of the directors, owners, or members of the organization or association are eligible for membership.

Under current law, if the need exists, a credit union may establish branch offices within this state or no more than 25 miles outside of this state. In addition, under current law regarding interstate mergers and acquisitions of credit unions, a credit union organized in this state may only merge with, acquire, or be acquired by a state or federal credit union that has its principal office in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, or Ohio. This bill expands the authority of a credit union to establish branch offices. Under the bill, with the permission of the office of credit unions, a credit union may establish branch offices anywhere inside or outside of this state. In addition, the bill repeals this geographic limitation on mergers and acquisitions of credit unions.

Current law does not specifically permit a credit union organized under the laws of another state (non-Wisconsin credit union) to establish a branch office in this state. This bill specifies that a non-Wisconsin credit union may establish a branch office in this state if the office of credit unions finds that certain conditions apply to the non-Wisconsin credit union.

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Under current law, subject to certain limitations, a credit union may invest in an organization that is organized primarily to provide goods and services to credit unions, credit union organizations, and credit union members (credit union service organization). Under current law, a credit union may invest in a credit union service organization that is a corporation. Current law specifies the services that a credit union service organization may provide. This bill permits a credit union to invest in a credit union service organization that is a corporation, limited partnership, limited liability company, or any other entity that is permitted under state law and that is approved by the office of credit unions. The bill also permits the office of credit unions to increase the maximum amount that a credit union may invest in a credit union service organization. In addition, the bill expands the types of services that a credit union service organization may provide to include electronic transaction services.

This bill expands the authority of a credit union to act as a trustee, allowing a credit union, to the extent permitted by federal law, to act as a trustee or custodian of member tax deferred retirement funds, individual retirement accounts, medical savings accounts, and other employee benefit accounts or funds. In addition, the bill allows a credit union, to the extent permitted by federal law, to act as a depository for member qualified and nonqualified deferred compensation funds.

Current law contains several credit union reporting requirements and, with certain exceptions, requires the office of credit unions to annually examine the records and accounts of each credit union. The employees of the office of credit unions and members of the credit union review board must keep information obtained in the course of examinations confidential, with limited exceptions. A violation of this confidentiality requirement is subject to a forfeiture (civil penalty) of up to \$200. This bill creates a crime for certain disclosures of information by any employee of the office of credit unions or member of the credit union review board and creates a crime for knowingly falsifying certain credit union reports or statements.

This bill requires credit unions to comply with certain federal laws relating to customer financial privacy and requires the office of credit unions to examine credit unions for compliance with these federal laws.

Alcohol beverages

Under the current Fair Dealership Law, which applies to most types of product distributors, a wholesaler of fermented malt beverages that operates under a contract or agreement, expressed or implied, with a brewer (known as the grantor) for distribution of a brewer's products, and that maintains a "community of interest" (i.e., a sufficiently close continuing financial interest) with the brewer, is considered a dealer. A brewer may not terminate, cancel, fail to renew, or substantially change in terms of competitive circumstances a dealer's distribution rights without good cause. A brewer that does so may be held liable, and injunctive relief preventing the brewer's actions may be obtained. Good cause means failure by the dealer to comply substantially with essential and reasonable requirements imposed upon the dealer by the brewer, which requirements are not discriminatory as compared to their application by the brewer to other similarly situated dealers. Good cause also means bad faith by the dealer in carrying out the brewer's distribution business.

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Under this bill, a fermented malt beverages wholesaler that does not maintain a “community of interest” with a brewer may still be a dealer of the brewer, such that the wholesaler’s product distribution rights may not be terminated by the brewer without good cause. The bill also requires that, if a fermented malt beverages wholesaler’s authorization to distribute products is terminated in whole or in part by a brewer (even for good cause), any succeeding fermented malt beverages wholesaler must compensate the terminated wholesaler for the fair market value of the distributorship that was terminated by the brewer. An exception exists if the terminated wholesaler was terminated by the brewer because the terminated wholesaler: engaged in material fraudulent conduct or made material and substantial misrepresentations in its dealings with the brewer or others; was convicted of a felony substantially related to operation of the dealership; or knowingly distributed products outside the territory authorized by the brewer. Disputes regarding the amount of compensation owed by a succeeding wholesaler to a terminated wholesaler must be mutually resolved between the parties or resolved through binding arbitration through a nationally recognized arbitration association.

Under current law, with certain exceptions, the outright sale, transfer, or assignment of a license to sell alcohol beverages at retail is illegal and unenforceable. However, current licensees or permittees at times agree to surrender to the issuing authority their license or permit for a premises upon promise of payment by another party if the surrender results in the other party being awarded the liquor license or permit for the premises. This bill prohibits municipalities and DOR from issuing to an applicant a retail license or permit to sell alcohol beverages if the premises described in the application is already covered by a current license or permit of the same kind unless each fermented malt beverage wholesaler to whom the current licensee or permittee is indebted is first notified that another person has applied for a license or permit for the same premises.

Under current law, a person who holds a security interest in alcohol beverages may, without a license or permit, sell alcohol beverages. This bill requires that a sale of fermented malt beverages by a secured party be made within 30 days after the secured party takes possession of the fermented malt beverages unless the secured party demonstrates good cause why this time period is insufficient to make a sale that is commercially reasonable or in conformity with the parties’ security agreement.

Under current law, any person who ships fermented malt beverages from out-of-state to this state must hold an out-of-state shippers’ permit, which authorizes the permittee to ship fermented malt beverages only to licensed wholesalers within the state. This bill requires DOR to issue a written warning for an out-of-state shipper’s first violation, and increases the penalty for any subsequent violation.

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Current law generally prohibits any brewer or wholesaler of fermented malt beverages from furnishing anything of value to a retailer of fermented malt beverages. A number of exceptions to this prohibition exist. One exception allows brewers and wholesalers to give to any fermented malt beverage retailer, for placement inside the premises, signs, clocks, or menu boards with an aggregate value of not more than \$150. This bill increases the aggregate limit on the value of signs, clocks, or menu boards from \$150 to \$2,500 during any calendar year. The bill also allows a brewer or wholesaler to provide signs made from plastic, vinyl, or other materials with a limited useful life without limitation on the aggregate value of these signs. The bill further increases the allowable business entertainment value limit from \$75 per day to \$500 per day and limits the number of days to not more than 12 in a calendar year.

Another exception allows a brewer or wholesaler to purchase advertising from a national or statewide trade association of retailers. This bill allows a brewer or wholesaler to purchase advertising from an advertising agency or media company to promote brewer or wholesaler sponsored sweepstakes, contests, or promotions on the premises of retailers if the promotional material includes at least five unaffiliated retailers and if the retailer on whose premises the sweepstakes, contest, or promotion will occur does not receive compensation for hosting the event. The bill also allows a brewer or wholesaler to conduct its own sweepstakes, contest, or promotion on the premises of a retailer if these same conditions are satisfied.

Another exception allows a brewer that produces 350,000 or more barrels of fermented malt beverages annually to make contributions to national or statewide trade associations of retailers. This bill allows any brewer or wholesaler to make contributions to national, statewide, or local trade associations of retailers. This would include allowing brewers or wholesalers to join local tavern leagues.

Administrative dissolution of limited liability company

This bill authorizes DFI to administratively dissolve a limited liability company if any of the following occur: the limited liability company does not pay, within one year, any fees or penalties due DFI; the limited liability company is without a registered agent or registered office in this state for at least one year; and the limited liability company does not notify DFI within one year that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

Unclaimed property

Under Wisconsin's version of the Uniform Unclaimed Property Act (UUPA), certain types of property are presumed to be abandoned if the owner of the property fails to take steps to evidence ownership within a specified time period (dormancy period). With certain limited exceptions, the holder of property that is presumed to be abandoned must report and deliver the property to the state treasurer every other year. With certain limited exceptions, the treasurer must sell the property within three years after the date on which the treasurer receives the property. If the property is a security other than a stock (for example, a stock option or an interest

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in a limited partnership), the treasurer must hold the security for at least one year before selling it, unless it is in the best interest of the state to do otherwise. Except for amounts sufficient to cover possible claims and the treasurer's administrative expenses, the treasurer currently deposits the clear proceeds of the sale of delivered property in the school fund.

Persons claiming an interest in any abandoned or unclaimed property delivered to the treasurer may file a claim with the treasurer to obtain the property. If a claim is allowed, the treasurer generally must deliver the property to the claimant or pay the claimant the amount the treasurer actually received or the net proceeds of the sale of the property, plus certain amounts for dividends or interest accruing to the property. However, if the claim is for any property other than a stock and if the treasurer sold the property within three years after the date on which the treasurer received the property, the treasurer must pay the claimant the value of the property at the time the claim was filed or the net proceeds of the sale, whichever is greater. This alternate method of valuation also applies if the claim is for a stock that the treasurer sold within three years after the date of receipt, as long as the claim is filed within that three-year period.

With certain limited exceptions, this bill requires annual reporting and delivery of unclaimed property to the state treasurer. The bill also shortens from seven years to five the dormancy period that applies to a stock or other intangible ownership interest in a business association. The bill establishes a single procedure that applies to the sale of all abandoned securities delivered to the treasurer, which requires the treasurer to hold the securities for at least one year before selling them, unless it is in the best interest of the state to do otherwise. In addition, the bill deletes the alternate method of valuation that applies to property, including stocks, sold within three years after the date on which the treasurer received the property. Thus, under this bill, the treasurer's liability for any claim is generally limited to delivery of the applicable abandoned or unclaimed property or payment of the amount the treasurer actually received or the net proceeds of the sale of the property, plus certain amounts for dividends or interest accruing to the property.

Telemarketing

This bill creates three prohibitions regarding telephone solicitations, which are unsolicited telephone calls encouraging a person in this state to purchase property, goods, or services. First, the bill prohibits an employee of a professional telemarketer from using a blocking service that withholds from the recipient of the call the name or telephone number associated with the telephone line used to make the call. A professional telemarketer is any business with employees whose primary duty is to make telephone solicitations.

Second, the bill prohibits an employee of a professional telemarketer from making a telephone solicitation to a person who has provided notice to the professional telemarketer that the person does not want to receive telephone solicitations.

Third, the bill prohibits an employee of a professional telemarketer from making a telephone solicitation unless, when initiating the telephone conversation,

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the employee discloses each the following: 1) the employee's name; 2) the identity of the person selling the property, goods, or services for whom the telephone solicitation is being made; and 3) the purpose of the call.

In addition, the bill makes changes to a prohibition under current law against any person using a prerecorded message in a telephone solicitation without the consent of the person called. Under this bill, the prohibition applies to any employee of a professional telemarketer, instead of any person.

Securities agents

With certain exceptions, current law prohibits a person from engaging in the business of banking without being organized and chartered as a national bank, state bank, or trust company bank. Certain agents who receive and hold money, pending investment in real estate or securities on behalf of the person who deposited the money, are not engaged in the business of banking and are therefore exempt from regulation. However, this exemption applies only if the agent keeps the money in a separate trust fund, does not mingle the money with the agent's own property, and does not agree to pay interest on the money other than to account for the actual income that is derived from the money while held pending investment.

This bill expands this exemption to include an agent who receives and holds money, pending investment in real estate or securities on behalf of the person who deposits the money regardless of whether the money is separately kept and regardless of whether the agent agrees to pay interest on the money. Thus, under this bill, an agent may pay interest on money that the agent receives and holds, pending investment in real estate or securities on behalf of the person who deposited the money.

Wisconsin Consumer Act

Under current law, a transaction in which a consumer is granted credit in an amount of \$25,000 or less and which is entered into for personal, family, or household purposes (consumer credit transaction) is generally subject to the Wisconsin Consumer Act. The Wisconsin Consumer Act provides obligations, remedies, and penalties that current law generally does not require for other transactions. With certain limited exceptions, any person who makes or solicits consumer credit transactions in this state must register with DFI. A person who is subject to this registration requirement must pay a registration fee, unless the average outstanding monthly balance of all consumer credit transactions that the person entered into in this state is \$250,000 or less. Currently, the minimum fee is \$25 and the maximum fee is \$1,500 or 0.005% of the average monthly outstanding balance, whichever is less.

Under this bill, a person is exempt from the annual registration requirement, and the annual registration fee, if the person's year-end balance is \$250,000 or less, although the person still must make an initial registration and pay an initial registration fee. This bill also deletes the statutory minimum and maximum

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registration fees and requires DFI to set registration fees by rule, based upon the existing, specified criteria.

BUILDINGS AND SAFETY***Fire dues program***

Under current law, an eligible city, village, or town (municipality) may receive a grant from the department of commerce to purchase fire protection equipment, to provide fire inspection services and public education, to train fire fighters and fire inspectors, and to fund certain accounts established for the benefit of fire fighters (fire dues program). The fire dues program is funded from a percentage of certain insurance premiums.

This bill makes numerous changes and clarifications to the fire dues program. With certain exceptions, in order for a municipality to be eligible to receive a grant from the fire dues program, the chief of the municipal fire department currently must provide a fire inspection for every public building and place of employment in the fire department's territory. Under the bill, a municipality may be eligible to receive a grant if the municipality ensures that at least 95% of the required fire inspections are provided for in the municipality and if the municipality certifies to the department of commerce that these inspections were provided. It is unclear under current law whether certain fire dues program eligibility requirements and fire safety laws apply to a municipality or to a fire department that provides services to a municipality. In general, the bill specifies that the fire dues program eligibility requirements apply to a municipality rather than to a fire department. In addition, the bill requires a municipality to ensure that certain fire safety laws, such as those requiring fire inspections, that apply to a fire department, a fire chief, or other designated individuals, are followed in the municipality.

Fire safety laws

Current law generally requires the chief of each municipal fire department to comply with certain fire safety laws relating to fire inspections and fire safety education. This bill authorizes the department of commerce to create the Fire Safety and Injury Prevention Education Program. In addition, the bill makes numerous changes and clarifications to the fire safety laws. Among other things, the bill expands the department of commerce's authority with regard to fire safety to include jurisdiction over and supervision of all buildings, structures, premises, and public thoroughfares in this state for the purpose of administering all laws relating to fire inspections, fire prevention, fire detection, and fire suppression. In addition, the bill authorizes the department of commerce to enter a private dwelling, with the consent of the owner or renter, in order to verify the proper installation and maintenance of smoke detectors and fire suppression devices, such as fire sprinklers.

Manufactured building code enforcement

Under current law, the department of commerce administers the manufactured building code to ensure that minimum standards are met for the manufacture and

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installation of manufactured buildings as dwellings. Currently, a city, village, town, or county (municipality) may, with the approval of the department of commerce, enact an ordinance to enforce the manufactured building code with regard to the installation of manufactured buildings as dwellings in the municipality. A county ordinance applies in any city, village, or town within the county that has not adopted ordinances to enforce the manufactured building code, unless the city, village, or town is exempt from administration of the manufactured building code. Currently, any small municipality (city, village, or town with a population of 2,500 or less) is exempt from administration of the manufactured building code. Generally, inspections must be performed to enforce the manufactured building code in a municipality.

This bill removes the requirement that a municipality obtain department of commerce approval before enacting an ordinance to enforce the manufactured building code with regard to the installation of manufactured buildings as dwellings in the municipality. In addition, this bill creates new requirements relating to the administration of the manufactured building code in small municipalities. Under this bill, a small municipality may do any of the following:

1. Enact an ordinance to enforce the manufactured building code, either independently or jointly with another municipality, with regard to the installation of manufactured buildings as dwellings in the small municipality.

2. Adopt a resolution requesting the appropriate county to enforce the manufactured building code with regard to the installation of manufactured buildings as dwellings in the municipality.

3. Adopt a resolution not to exercise either of the above options, in which case the small municipality is exempt from administration of the manufactured building code.

4. Take no action, in which case the department of commerce must enforce the manufactured building code throughout the municipality.

CORRECTIONAL SYSTEM**ADULT CORRECTIONAL SYSTEM**

Under current law, any person who is serving a sentence, other than a life sentence, for a felony that was committed before December 31, 1999, may be paroled after serving 25% of his or her sentence. The parole commission makes the decision as to when the person actually is paroled. Currently, any person who is serving a sentence, other than a life sentence, for a felony that was committed on or after December 31, 1999, is sentenced to prison and to extended supervision for a specific time determined by the court.

This bill allows the secretary of corrections to release a prisoner eligible for parole or extended supervision before the end of his or her mandatory time of imprisonment if the prisoner is seriously or terminally ill. Under the bill, the prisoner may be released if the secretary determines that the inmate's release would not pose a risk of harm to any person and that the inmate's health care costs are likely to be paid by the federal medicare program, a veteran's program, medical assistance,

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or another federal or state medical program, or by the inmate. The bill requires DOC to promulgate rules regarding eligibility for, and revocation from, this program.

Under current law, if a person violates a requirement of parole or extended supervision, DOC may return the person to prison. Current law also permits DOC to take a person into custody if DOC alleges that the person has violated a condition or rule relating to parole. This bill specifies that DOC may also take a person under extended supervision into custody if DOC alleges that the person has violated a condition or rule relating to extended supervision. In addition, the bill specifies how to calculate the amount of time remaining on a bifurcated sentence for purposes of determining the maximum amount of time for which a person may be returned to prison after a violation of extended supervision and the length of the term of extended supervision that the person must serve thereafter.

Under current law, the person in charge of a state correctional institution is required to notify an inmate's relative of the inmate's death. Currently, DOC is also required to provide the relative with written notification that, upon request, DOC will provide the relative with a copy of any autopsy or any report or information regarding the inmate's death.

Under current law, if the district attorney has notice that the death of a person may be the result of homicide or suicide, or may have occurred under unexplained or suspicious circumstances, the district attorney may order an inquest to determine the cause of the person's death. The coroner or medical examiner is required to notify the district attorney of a suspicious death and may request that the district attorney order an inquest regarding that death. The district attorney may then order an inquest or may request that the coroner or medical examiner conduct a preliminary examination for the district attorney. If the district attorney does not order an inquest, under current law the coroner or medical examiner may petition the circuit court to order an inquest.

Under this bill, the coroner or medical examiner is required to conduct an autopsy of every individual who dies while he or she is in the legal custody of DOC and is an inmate in a correctional facility located in this state. If the coroner or medical examiner determines that the person's death was the result of any of the circumstances that could result in the district attorney ordering an inquest, the bill requires the coroner or medical examiner to notify the district attorney and request an inquest.

If an individual dies while he or she is in the legal custody of DOC and confined to a correctional facility in another state under a contract with DOC, the bill requires DOC to have an autopsy performed on the individual. Under the bill, the autopsy must be performed by either a coroner or medical examiner of the county from which the individual was sentenced or by an appropriate authority in the other state. If a coroner or medical examiner of the county from which the individual was sentenced determines that the individual's death may have been the result of any of the circumstances that would permit the district attorney to order an inquest, a copy of

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the results of the autopsy must be sent to the appropriate authority in the other state. The bill requires DOC to pay the costs of an autopsy.

This bill gives DOC authority to establish medium security correctional institutions at Redgranite and New Lisbon. Funding for the building of these institutions was included in the state building program in the 1997 budget act.

The bill also specifies that any correctional institution that has been constructed by a private person and leased or purchased by the state for use by DOC is a state prison and names the medium security penitentiary located near Black River Falls the "Jackson Correctional Institution."

This bill increases the number of members of the parole commission from six to eight until June 30, 2003. After that date, the parole commission reverts back to six members. The parole commission determines if a person may be released on parole from an adult correctional facility. The chairperson of the parole commission appoints the other members of the parole commission.

Under current law, DOC may require a prisoner in a correctional institution to pay a deductible, a copayment, coinsurance, or a similar charge if the prisoner receives medical or dental care and the prisoner earns wages while he or she resides in the correctional institution. Currently, DOC may exempt or waive the payment of those charges under criteria that DOC establishes by rule. This bill deletes the requirement that the prisoner must earn wages while he or she resides in the correctional institution before he or she may be required to pay a deductible, a copayment, coinsurance, or a similar charge.

Under current law, as interpreted in *State ex rel. Speener v. Gudmanson*, 234 Wis. 2d 461 (2000), the definition of "correctional institution" for purposes of the laws relating to prisoner litigation does not include an out-of-state jail. As a result of that decision, persons who are in the custody of DOC and placed in a jail or prison that is located outside of this state are not subject to the requirements of the laws relating to prisoner litigation. This bill overrides that decision by defining a "prisoner" for purposes of prisoner litigation to include any person who is incarcerated, imprisoned, or otherwise detained and who is in the custody of DOC or of the sheriff, superintendent, or other keeper of a jail or house of corrections. All persons who are placed in a jail or prison outside this state by DOC are in the custody of DOC.

Under current law, until July 1, 2001, DOC may operate the juvenile correctional facility at Prairie du Chien as a state prison for nonviolent offenders who are not more than 21 years of age. This bill extends that authority to July 1, 2003.

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local

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delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$154.08 for care in a juvenile correctional facility or a treatment facility, \$76.71 for corrective sanctions services, and \$18.62 for aftercare services. This bill increases those assessments for fiscal year 2001-02 to \$171.16 for care in a juvenile correctional facility or a treatment facility, \$82.89 for corrective sanctions services, and \$23.25 for aftercare services and for fiscal year 2002-03 to \$176.06 for care in a juvenile correctional facility or a treatment facility, \$84.87 for corrective sanctions services, and \$23.80 for aftercare services. The bill also eliminates statutorily set assessments for care in a child caring institution, group home, foster home, or treatment foster home.

Under current law, a court assigned to exercise jurisdiction under the juvenile justice code (juvenile court) may place a juvenile ten years of age or over who has committed a Class A felony, which is a crime punishable by life imprisonment if committed by an adult, or may place a juvenile 14 years of age or over who has committed a Class B felony, which is a crime punishable by imprisonment for 60 years if committed by an adult, in the Serious Juvenile Offender Program (SJOP) if the juvenile court finds that the only other disposition that would be appropriate for the juvenile would be placement in a juvenile secured correctional facility. The SJOP contains various component phases for its participants, including placement in a juvenile secured correctional facility or, if the participant is 17 years of age or over, an adult prison. The SJOP also includes a component phase of intensive or other field supervision, including juvenile corrective sanctions supervision, juvenile aftercare supervision or, if the participant is 17 years of age or over, adult intensive sanctions supervision. Also, under current law, DOC may transfer a juvenile who is placed in a juvenile secured correctional facility to the Racine Youthful Offender Correctional Facility, which is a medium security adult correctional institution for offenders 15 to 21 years of age, if the juvenile is 15 years of age or over and the conduct of the juvenile in the juvenile secured correctional facility presents a serious problem to the juvenile or others.

The Wisconsin supreme court recently held, however, in *State of Wisconsin v. Hezzie R.*, 219 Wis. 2d 849 (1998), that subjecting a juvenile who has no right to a trial by jury under the juvenile justice code to placement in an adult prison violates the juvenile's constitutional right to a trial by jury because placement in an adult prison constitutes criminal punishment rather than juvenile rehabilitation. Accordingly, this bill eliminates the authority of DOC to transfer a juvenile who has been adjudicated delinquent to an adult prison, including the Intensive Sanctions Program, which is defined in the statutes as a state prison.

Current law contains conflicting provisions relating to the age under which a juvenile who has been sentenced to an adult prison (juvenile prisoner) must be placed in a juvenile secured correctional facility and the age at which a juvenile prisoner may be transferred to an adult prison. One provision requires DOC to keep juvenile

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prisoners under 15 years of age in a juvenile secured correctional facility, another provision requires DOC to keep juvenile prisoners under 16 years of age in a juvenile secured correctional facility, and another provision does not permit DOC to transfer a juvenile prisoner to an adult prison until the juvenile attains 17 years of age. This bill provides a uniform age of 15 years at which DOC may transfer a juvenile prisoner to an adult prison.

Under current law, a participant in the SJOP who has committed a Class A felony may be placed in a juvenile secured correctional facility or an adult prison until the participant has reached 25 years of age and a participant in the SJOP who has committed a Class B felony may be placed in such a facility or prison for not more than three years. This bill permits the juvenile court to extend the period for which a participant in the SJOP may be placed in a juvenile secured correctional facility for not more than an additional two years if the juvenile court finds that the participant is in need of the supervision, care, and rehabilitation that a placement in a juvenile secured correctional facility provides and that public safety considerations require that the participant be placed in such a facility. The bill also permits DOC to extend the period for which a participant in the SJOP may be placed in a juvenile secured correctional facility for not more than an additional 30 days without a hearing, unless DOC provides for a hearing by rule. In addition, the bill specifies that a 30-day extension under the bill does not preclude a two-year extension under the bill, and vice versa.

Under current law, a juvenile may be taken into custody under circumstances in which a law enforcement officer believes, on reasonable grounds, that the juvenile has violated the terms of supervision ordered by the juvenile court or the terms of aftercare supervision administered by DOC or a county department of human services or social services (county department). A juvenile who has been taken into custody on that ground may be held in custody if probable cause exists to believe that the juvenile will run away so as to be unavailable for proceedings of the juvenile court or proceedings for revocation of aftercare supervision. This bill permits a juvenile who has violated a condition of the juvenile's placement in a Type 2 secured correctional facility or a Type 2 child caring institution (Type 2 CCI) or a condition of the juvenile's participation in the Intensive Sanctions Program to be taken into custody by a law enforcement officer and held in custody if the juvenile is at risk of running away so as to be unavailable for action by DOC or a county department relating to that violation.

Type 2 secured correctional facilities consist of the Corrective Sanctions Program, under which DOC places a juvenile in the community and provides the juvenile with intensive surveillance and community-based treatment services, the SJOP, and CCIs that DOC has designated as Type 2 secured correctional facilities for the placement of certain juveniles who have been adjudged delinquent. Similarly, Type 2 CCIs consist of CCIs that DOC has designated for the placement of certain juveniles who have been adjudged delinquent and placed under the supervision of a county department. The Intensive Supervision Program is a program under which

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a juvenile is placed in the community and the county department provides the juvenile with intensive surveillance and community-based treatment services.

Under current law, DOC must provide a juvenile boot camp program for juveniles who have been adjudged delinquent and placed under the supervision of DOC. This bill eliminates that program.

Currently, DOC must provide an average of \$3,000 per year per slot to purchase community-based treatment services for each participant in the Corrective Sanctions Program. This bill requires DOC to provide an average of *not more than* \$3,000 per year per slot to purchase those services.

COURTS AND PROCEDURE**PUBLIC DEFENDER**

Under current law, the state public defender may not provide legal services or assign an attorney to an adult in a criminal case if the adult is not in custody and has not been charged with a crime. Likewise, the state public defender may not provide legal services or assign an attorney to a child in a juvenile case if the child is not in custody and is not yet subject to a proceeding under the children's code or the juvenile justice code in which an attorney must or may be appointed. This bill eliminates both of those prohibitions.

Under current law, judges may sentence misdemeanor offenders to pay a fine not to exceed \$10,000 or to serve up to nine months in jail, or both, for each criminal violation classified as a misdemeanor. This bill directs the public defender board, in conjunction with the director of state courts and the Wisconsin District Attorneys Association, to submit to DOA by July 1, 2002, a proposal recommending alternative charging and sentencing options for misdemeanor offenders and, if DOA approves the proposal, to implement the portions of the proposal that do not require changes to state law. The bill permits DOA to earmark up to \$2,000,000 in fiscal year 2002-03 for implementation of portions of the proposal approved by DOA.

CIRCUIT COURTS

Under current law, if a court knows that a person, including one charged with a crime, subject to juvenile court proceedings, or subject to mental health proceedings, is unable to communicate and understand English because of a language difficulty or a disability, the court must tell the person that he or she has the right to an interpreter. If the person is indigent, the court must provide an interpreter at the public's expense. Current law also allows courts to use interpreters in other court proceedings and allows agencies to use interpreters in contested cases.

Under this bill, the court must provide a qualified interpreter to those persons who are eligible for an interpreter. A "qualified interpreter" is one who is able to readily communicate with the person, translate the meaning of statements to and from English in the court-related proceedings, and accurately interpret, in a manner that conserves the meaning, tone, and style of the original statement. Under the bill,

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the clerk of court may provide a qualified interpreter to assist a person with limited English proficiency when that person asks the court for assistance regarding a legal proceeding, such as how to bring an action to obtain a domestic abuse injunction. The bill allows a person with limited English proficiency to waive the appointment of an interpreter if the court determines on the record that the waiver has been made knowingly, intelligently, and voluntarily, and allows the person to retract that waiver at any time during the court proceedings for good cause.

Currently, a special prosecution fee of \$2 is collected by the Milwaukee County clerk of circuit court whenever a circuit court fee is imposed in civil actions to pay the costs of clerks in Milwaukee County in violent crime cases and cases involving felony drug violations. This bill deletes this fee.

OTHER COURTS AND PROCEDURE

Current law prohibits trial, conviction, and sentencing of a person accused of committing an offense if the person lacks sufficient mental capacity to understand the proceeding and to assist in his or her own defense. If there is reason to doubt a person's mental capacity, the court presiding over the proceeding must appoint a mental health expert to examine the defendant. Current law requires that DHFS provide \$484,300 annually to Milwaukee County to pay for competency examinations in that county.

This bill eliminates the designation of Milwaukee County as the recipient agency of DHFS funding for competency examinations, leaving DHFS discretion to select the recipient agency or agencies. The bill also removes the specification of a dollar amount that DHFS must provide for competency examinations in Milwaukee County.

Under current law, if there are no heirs of a decedent in an intestate estate (an estate in which the decedent did not leave a will), or if a legacy or distributive share in an estate cannot be paid to the distributee or is not claimed by the distributee within 120 days after entry of the final judgment, the property escheats to the state and is paid or delivered to the state treasurer (treasurer). The treasurer must publish notice in the official state newspaper with information concerning the estate and the escheated property. Within ten years after the notice is published, a person may make a claim against the escheated property by filing a petition with the probate court that settled the estate and sending copies of the petition to DOR and the attorney general. If the person establishes his or her claim in a court hearing, the court certifies the claim to DOA, which audits the claim; issues an order for any death tax due; and issues an order distributing the estate. The treasurer pays the claim.

Under this bill, the treasurer must publish a notice regarding escheated property at least annually (current law specifies no time requirement); a person filing a petition with the probate court must send a copy of the petition to the treasurer, instead of to DOR; the court is no longer required to certify a claim to DOA, which is no longer required to audit claims; and the court is no longer required to issue an order for any death tax due.

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The bill also provides a new, optional procedure for making a claim against escheated property that does not exceed \$5,000. Rather than filing a petition with the probate court, a person claiming such property may, within ten years after publication by the treasurer of notice regarding the estate and the escheated property, file a claim with the treasurer. If the treasurer allows the claim, the treasurer files written notice of the allowed claim, as well as written consent of the attorney general, with the probate court, which must issue an order requiring the treasurer to pay the claim. If the treasurer disallows a claim or does not act on a claim within 90 days after it is filed, the person who filed the claim may file an action in the probate court that settled the estate to establish the claim.

Under current law, DATCP administers, investigates, and enforces certain consumer protection and trade practice laws and prosecutes violations of these laws. A person found to have violated one of these laws may be subject to a forfeiture (civil monetary penalty) or a fine. If a court imposes a fine or forfeiture, current law requires the court to impose an assessment equal to 15% of the fine or forfeiture. This bill raises the assessment to 25% of the fine or forfeiture. Currently, the assessments are used by DATCP to pay for providing consumers with information and education. This bill expands the purpose for which these assessments may be used to include all other consumer protection activities conducted by DATCP.

CRIMES**CRIMINAL SENTENCES*****The structure of felony sentences under current law***

Under current law, if a person committing a felony before December 31, 1999, is sentenced to prison for a term of years, the person receives an indeterminate sentence, which typically consists of a term of confinement followed by parole. The person's term of confinement is not fixed when the sentence is imposed. He or she may be released on parole after serving as little as one-fourth of the sentence.

Current law provides a separate system for prison sentences for crimes committed on or after December 31, 1999. If a court chooses to sentence a felony offender to imprisonment in a state prison (other than through a life sentence) for a felony committed on or after December 31, 1999, the court must do so by imposing a bifurcated sentence, under which the offender initially serves a fixed term of confinement in prison of at least one year. The maximum term of confinement under a bifurcated sentence for felonies classified in the criminal code ranges from two to 40 years. If the person is being sentenced to prison for an unclassified felony, the term of confinement in prison portion of the sentence may not exceed 75% of the total length of the bifurcated sentence.

An offender is not eligible for parole under a bifurcated sentence. Instead, after serving the term of confinement portion of the bifurcated sentence, he or she serves a fixed term of extended supervision as the second part of the bifurcated sentence.

SENATE BILL 55***Concurrent and consecutive sentences***

Under current law, a court may order any sentence to be served concurrent with or consecutive to any other sentence imposed at the same time or previously. This bill specifies how the person will serve the periods of confinement and the periods of extended supervision and parole under the sentences under the following circumstances: 1) when the court requires a sentence under which the person may be placed on extended supervision (a "determinate sentence") to be served concurrent with or consecutive to another determinate sentence; 2) when the court requires a determinate sentence to be served concurrent with or consecutive to an indeterminate sentence; or 3) when the court requires an indeterminate sentence to be served concurrent with or consecutive to a determinate sentence. The bill also requires that a person sentenced to consecutive indeterminate and determinate sentences serve the term of extended supervision under the determinate sentence before serving the period of parole under the indeterminate sentence, regardless of the order in which the crimes were committed or the sentences imposed.

Penalties for criminal attempts

Current law specifies that the maximum penalty for an attempt to commit a felony (other than certain felonies having separate penalties for attempts) is one-half of the maximum penalty for the completed crime. This bill specifies that the maximum term of confinement under a bifurcated sentence imposed for an attempt to commit a classified felony is one-half of the maximum term of confinement for the completed crime. The bill also specifies that the maximum term of confinement under a bifurcated sentence imposed for an attempt to commit an unclassified felony is 75% of the maximum length of the bifurcated sentence for the attempt.

Other sentencing changes

This bill specifies that, if a court, through the application of one or more sentence enhancers, decides to sentence a misdemeanor to prison, the court must impose a bifurcated sentence. In such a case, the term of confinement in prison may not constitute more than 75% of the bifurcated sentence.

Under current law, the maximum term of probation for a misdemeanor is two years, and the maximum term of probation for a felony is the maximum sentence length for the crime or three years, whichever is greater. Under this bill, the maximum term of probation for a felony or for a misdemeanor for which a court may impose a bifurcated sentence is the maximum term of confinement in prison for the crime or three years, whichever is greater.

Under current law, if a person is found not guilty of a crime by reason of mental disease or mental defect and the crime is not punishable by life imprisonment, the person may be committed to DHFS for a maximum term of two-thirds of the maximum sentence length for the crime. Under this bill, the maximum term of commitment for a felony other than one punishable by life imprisonment or for a

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misdemeanor for which a court may impose a bifurcated sentence is the maximum term of confinement that could be imposed on a person convicted of the crime.

OTHER CRIMINAL LAW***Crimes related to computers***

Under current law no person may willfully, knowingly, and without authorization modify, destroy, copy, take possession of, or access computer data, computer programs, or supporting documentation of a computer system. This bill increases the penalties for violations of these prohibitions that occur under specified circumstances.

This bill also prohibits intentionally interrupting computer service by sending to a computer, computer program, computer system, or computer network a message that is too complex, or multiple messages that are too voluminous, for the computer, computer program, computer system, or computer network to process. Penalties for violating this prohibition are the same as those applicable to the computer crime described above.

In addition, the bill authorizes courts to enhance the penalties for violations of either of the prohibitions described above if the person committing the violation accesses another person's computer to commit the violation with the intent to make it less likely that the offender will be identified with the crime.

Crimes related to images depicting nudity

Current law prohibits producing, possessing, or distributing a photograph, motion picture, videotape, or other visual representation or reproduction that depicts nudity if the person depicted nude did not consent to the representation or reproduction and if the person who makes, possesses, or distributes the representation or reproduction knows or should know that the person depicted nude did not consent to the nude depiction. The Wisconsin supreme court has found this prohibition unconstitutional because it prohibits all depictions of nudity made without consent, including artistic, political, or newsworthy depictions that are protected by the First Amendment. *State v. Stevenson*, 236 Wis. 2d 86 (2000).

This bill narrows the scope of the prohibition against making an original representation that depicts nudity by requiring that, at the time the representation is made, the subject of the depiction be both nude and in a place and circumstance in which he or she can reasonably expect privacy. Reproducing such an original without the subject's consent is also prohibited if the reproducer knows or should know that the original was unlawfully made. The bill treats the prohibitions against possessing and distributing representations depicting nudity similarly to the prohibition against making reproductions.

Crimes relating to providing and describing harmful material to children

Current law prohibits providing and describing harmful material to a child and possessing harmful material with intent to transfer the harmful material to a child. Harmful material includes nudity, sexually explicit images, and images of torture

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and brutality. Current law does not require that the state prove that the defendant knows or should know that the recipient of the materials is a child. The law, however, establishes an affirmative defense under which the defendant may avoid criminal liability by proving that he or she reasonably believed that the recipient was 18 years of age or older. The Wisconsin supreme court has ruled that prohibiting exposure of a child to harmful materials is unconstitutional in cases in which the defendant does not have face-to-face contact with the recipient. *State v. Weidner*, 235 Wis. 2d 306 (2000). The supreme court based its decision on the chilling effect that the prohibition would have on communication protected by the First Amendment.

This bill makes knowledge of the recipient's status as a child an element of the crime if the defendant does not have a face-to-face contact with the child. The bill does not add the knowledge-of-age element for cases in which the defendant has face-to-face contact with the recipient, maintaining for those cases the affirmative defense requiring the defendant to prove that he or she reasonably believed that the recipient was at least 18 years of age.

Computer images and current law crimes

Several criminal laws prohibit activities related to images of nudity, or images and sounds of obscenity or of children engaged in sexually explicit conduct. Those crimes are: 1) making, possessing, reproducing or distributing images of nudity; 2) importing, printing, selling, transferring, exhibiting, or possessing for publication, sale, exhibition, or transfer, obscene material; 3) photographing, filming, videotaping, or making a sound recording of a child engaged in sexually explicit conduct, or enticing a child to go into a secluded place to take a picture or make a sound recording of the child engaged in sexually explicit conduct; 4) exposing a child to harmful images and sounds; and 5) producing, performing in, profiting from, importing, possessing, and other activities related to child pornography. These prohibitions do not specifically apply to stored data version of images or sounds. In addition, these prohibitions do not uniformly cover digital or magnetic tape recordings. This bill expands the prohibitions related to images of nudity, and images or sounds of obscenity or of children engaged in sexually explicit conduct, to include images and sounds recorded in any manner as well as the data that represents an image or a sound.

Obscene e-mail

This bill makes it a crime to send an unsolicited e-mail message that contains obscenity or depicts sexually explicit conduct, if the person sending the e-mail message does not label the e-mail message as "Adult advertisement" in the subject line.

Statute of limitations for sexual assault

Under current law, the state must prosecute first and second degree sexual assault within six years of the date of the crime. The state must prosecute first and second degree sexual assault of a child, as well as repeated sexual assault of the same child, before the victim reaches the age of 31.

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This bill creates an exception to the time limits for prosecuting the crimes of sexual assault, sexual assault of a child, and repeated sexual assault of the same child in certain circumstances if the state has deoxyribonucleic acid (DNA) evidence related to the crime. If the state collects DNA evidence related to the crime before the time for prosecution expires and does not link the DNA evidence to an identified person until after that time expires, the state may initiate prosecution for the crime within one year of making the match.

Club drugs

Current law places restrictions on manufacturing, distributing, delivering, or possessing with intent to manufacture, distribute, or deliver, many drugs. With certain limited exceptions, this bill prohibits manufacturing, distributing, delivering, or possessing with intent to manufacture, distribute, or deliver, 4-methylthioamphetamine (4-MTA or flatliner) or counterfeit versions of 4-MTA. The bill assigns the same penalties for violating this prohibition as are currently assigned to crimes involving phencyclidine (PCP).

The bill also increases the penalties for unlawfully manufacturing, distributing, delivering, and possessing with intent to manufacture, distribute, or deliver, gamma-hydroxybutyric acid (GHB), gamma-butyrolactone (GBL), 3, 4-methylenedioxymethamphetamine (MDMA or ecstasy), 4-bromo-2, 5-dimethoxy-beta-phenylethylamine (2-CB or nexus), ketamine, and flunitrazepam to the penalty levels for PCP. In addition, the bill increases the penalties for unlawfully manufacturing, distributing, delivering, and possessing with intent to manufacture, distribute, or deliver, counterfeit versions of PCP, lysergic acid diethylamide (LSD), methamphetamine, GHB, GBL, ecstasy, nexus, ketamine, and flunitrazepam to the same level as violations involving the genuine drugs.

Theft of rented or leased motor vehicle

Under current law, a theft occurs when a person intentionally fails to return rented or leased personal property within ten days after the written rental agreement or lease agreement ends. This bill provides that with respect to a rented or leased motor vehicle a theft occurs when a person intentionally fails to return the rented or leased property at any time after the written rental agreement or lease agreement ends.

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill requires DPI to designate a school district as a school district with expanded flexibility if its pupils' scores on the fourth, eighth, and tenth grade assessments, the third grade reading test, and the high school graduation examination equaled or exceeded the statewide average scores; its high school graduation rate at least equaled the statewide average high school graduation rate; and its attendance rate at least equaled the statewide average attendance rate.

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A school district with expanded flexibility is free from many of the requirements that apply to regular school districts, may create school governance councils to advise principals, and may reassign staff members without regard to seniority. Such a reassignment is a prohibited subject of collective bargaining. In return, a school district with expanded flexibility must, among other things, allocate 85% of all school district revenues for use by principals at their respective schools; ensure that at least 95% of the school district's pupils who are eligible takes the fourth, eighth, and tenth grade assessments and the high school graduation examination; and ensure that each school in the school district prepares an annual plan that includes performance goals for all pupils, for minority group pupils, for low-income pupils, and for teachers.

Finally, DPI must award grants on a competitive basis to school districts with expanded flexibility to help implement school district decentralization plans and to train principals to be effective administrators in decentralized school districts.

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the UW-Milwaukee, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (Milwaukee charter schools) directly or to contract for the operation of charter schools. These Milwaukee charter schools must be located within the Milwaukee Public Schools (MPS) district and only pupils who reside in the MPS district may attend the charter schools. The operators of the Milwaukee charter schools receive aid for the regular school term based on the number of pupils attending the charter schools, as opposed to school districts, which are entitled to receive state aid for both the regular school term and for summer school. Employees of the Milwaukee charter schools may not be employed by MPS and are thus not eligible to participate in the state's retirement system.

This bill allows any four-year UW-System institution, state technical college, or cooperative educational service agency (CESA) (an agency that facilitates the provision of services to school districts) to operate charter schools (new charter schools) directly or to contract for their operation. The bill allows the new charter schools and the Milwaukee charter schools to be located in any school district in the state. Only pupils who reside in a school district in which a new charter school is located may attend the new charter school, unless the charter school is established or operated by a CESA, in which case pupils who reside in a school district served by the CESA may attend the charter school. Operators of the new charter schools receive the same amount of state aid per pupil as do the operators of the Milwaukee charter schools for both the regular school term and for summer school. Employees of the new charter schools may not be employed by any school district and are thus not eligible to participate in the state's retirement system.

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This bill directs DPI to make loans to school districts to support the development of charter schools. The funds may be used for costs associated with the start-up of a charter school established by a school district.

Current law requires each school board and each Milwaukee charter school to administer standardized examinations to fourth, eighth, and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district. Beginning in the 2002-03 school year, each school board must also administer a high school graduation examination that is designed to measure whether pupils have met the academic standards adopted by the school board. A school board may either adopt the examinations developed by DPI or develop its own examinations. Identical provisions exist under current law for Milwaukee charter schools. DPI provides the examinations that are adopted, approved, or developed by DPI, and scores those examinations, free of charge.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district, a standardized reading test developed by DPI. The Milwaukee charter schools are required to administer this test to their third grade pupils.

Under current law, the third grade reading test, the fourth, eighth, and tenth grade examinations, and the high school graduation examination are not required to be administered to pupils participating in the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense. Beginning in the 2002-03 school year, this bill allows a private school participating in the MPCP to choose to administer the grade examinations (the third grade reading test and the fourth, eighth, and tenth grade examinations) or the high school graduation examination, or both, to the pupils attending the private school under the MPCP. The bill requires that DPI provide all of the examinations administered to MPCP pupils, and score the examinations, free of charge. The bill also generally prohibits DPI from disclosing the results of the examinations administered to MPCP pupils.

Under current law, beginning on July 1, 2002, each pupil must be given at least two opportunities to take the fourth and eighth grade examinations. This bill eliminates the requirement that each pupil be given two opportunities to take each examination; the bill requires only that the examinations be administered to all pupils in the appropriate grades.

Current law directs DPI to make available upon request, within 90 days after the date of administration, any of the required pupil assessments. This bill requires the person to submit the request in writing and provides that the person may view the examination but not receive a copy. The bill also directs DPI to promulgate rules that, to the extent feasible, protect the security and confidentiality of the examinations.

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Currently, DPI annually must identify those school districts that are low in performance and those schools in which there are pupils who do not meet the state minimum performance standards. This bill requires DPI to publish and report a list of the school districts and schools to the governor and the legislature. The bill also requires the identified school districts to develop improvement plans.

Under current law, a school board may enter into a five-year, achievement guarantee (SAGE) contract with DPI. In exchange for reducing class size and meeting certain performance criteria designed to improve academic achievement in grades kindergarten to three, a school board receives \$2,000 for each low-income pupil enrolled in a school participating in the SAGE program.

This bill allows DPI to renew a SAGE contract for one or more terms of five years. The bill also provides that a school board that entered into a SAGE contract in the 2000-01 school year on behalf of a school with a low-income enrollment of less than 50% is required to maintain the reduced class size in kindergarten and first grade, as opposed to reducing class size in grades kindergarten to three.

Under current law, DPI must arrange for an annual evaluation of the SAGE program. This bill requires DPI to select the evaluator of the SAGE program by using a competitive process that ensures impartiality.

This bill creates a five-member board on education evaluation and accountability (BEEA) attached to DOA and headed by an executive director. On July 1, 2002, the bill transfers the pupil assessment program, the school performance report program, and the responsibility for arranging an evaluation of the SAGE program from DPI to BEEA. The bill also authorizes BEEA to conduct a study of the MPCP if BEEA receives sufficient funds from private sources.

Currently, a private school must notify DPI of the school's intent to participate in the MPCP by May 1 of the previous school year. This bill changes the date to February 1. The bill also directs DPI to notify the private school by March 1 whether the private school is eligible to participate in the MPCP. If DPI determines that the school is ineligible, the notice must include an explanation. The bill allows a private school 14 days to appeal a negative determination to DPI and requires DPI to decide the appeal within seven days.

Under current law, a pupil is eligible to participate in the MPCP if he or she is a member of a family that has a total family income that does not exceed 175% of the federal poverty level. This bill raises that threshold to 185% and provides that a pupil who participates in the MPCP may continue to participate in subsequent years even if the pupil's family income rises above the threshold.

Under current law, only private schools located in the city of Milwaukee may participate in the MPCP. This bill provides that a private school located outside the city that is situated on property any portion of which is located in the city may also participate in the MPCP.

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Under current law, a person must hold a license to teach granted by DPI in order to teach in a public school in this state. In general, licensure requires completion of a professional education program approved by DPI, including completion of a certain number of credits in specified subjects, student teaching, a criminal background investigation, and payment of a fee.

This bill directs DPI, upon the request of a school board, to grant a temporary initial teaching license to any person who satisfies all of the requirements for an initial license other than the educational requirements if the school board making the request intends to employ the person as a teacher and the school board determines that the person has a bachelor's degree, or at least five years of practical experience, in a field that is related to the subject that he or she will be teaching, or served at least five years in the U.S. armed forces and has practical or teaching experience in a field related to the subject he or she will be teaching. The temporary license is valid for two years and may not be renewed unless the licensee completes an alternative teacher training program during the two-year period, in which case DPI must grant a five-year, renewable, initial teaching license to the person that is considered retroactively effective to the date that the temporary license was granted.

Recent administrative rules promulgated by DPI establish three levels of teacher licensure: initial educator, professional educator, and master educator. This bill directs DPI to grant an initial license to teach to any person who holds a valid license as a teacher issued by another state and also directs DPI to grant the highest level of license (currently, the master educator license) to any person who holds a valid license as a teacher issued by another state and is certified by the National Board for Professional Teaching Standards.

Under current law, DPI awards grants to Wisconsin residents who are licensed by DPI and employed as teachers in Wisconsin and who are certified by the National Board for Professional Teaching Standards. This bill eliminates the grant program's residency requirement.

With certain exceptions, current law requires that bilingual-bicultural education programs be taught by bilingual teachers. This bill eliminates this requirement for programs in grades kindergarten to eight.

Current law requires DPI to revoke, without a hearing, a license granted by DPI if the licensee is convicted of any of a number of specified crimes. In addition, DPI may revoke a license, with a hearing, if the licensee is incompetent or behaves immorally. This bill requires DPI to revoke a license, without a hearing, if the licensee is convicted of a crime in another state or another country that is substantially similar to one of the specified crimes and allows DPI to impose conditions or restrictions on a license or suspend a license, with a hearing, if the licensee is incompetent or behaves immorally.

Current law prohibits DPI from granting a license to a person convicted of a number of specified crimes or of crime in another country or state that is equivalent to one of the specified crimes. This bill prohibits DPI from granting a license to a

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person convicted of a number of specified crimes or of a crime in another state or country that is substantially similar to one of the specified crimes.

Under the common law, a court may deny public inspection of a record created or maintained by a public entity if the custodian of the record demonstrates that the public interest in nondisclosure of the information contained in the record outweighs the strong public interest in disclosure. This bill requires an educational agency (in general, a school district or a CESA) to release to DPI all records relating to an employee or former employee of the educational agency who is licensed by DPI if DPI has commenced an investigation to determine whether to initiate license limitation, suspension, or revocation proceedings. The bill also requires DPI to keep this released information confidential.

Current law generally prohibits the disclosure of the results of criminal background investigations conducted by DOJ or the federal bureau of investigation for DPI. This bill requires DPI to disclose the results of criminal background investigations to an educational agency if the subject of the criminal background investigation is employed by or applying for employment with the educational agency and if the educational agency requests the information and the employee or applicant consents. The bill also requires the educational agency to keep this released information confidential.

Under current law, school districts, CESAs, counties, and operators of Milwaukee charter schools are eligible to receive aid to reimburse them for certain costs of providing special education, such as the cost of salaries of special education teachers and the cost of transporting special education pupils to school. When distributing special education aid, DPI must first distribute aid for the full cost of special education for children in hospitals and convalescent homes for orthopedically disabled children. If the remaining sum of money appropriated to reimburse other special education costs is insufficient, DPI must prorate the remaining aid, leaving some eligible entities with unreimbursed special education costs.

This bill provides that a portion of the aid paid to school districts and the Milwaukee charter schools for special education is based on the number of pupils enrolled in the school district or charter school, and a portion is based upon the number of pupils enrolled in the school district or charter school who are eligible for a free or reduced-price lunch under federal law.

The bill also provides supplemental special education aid to school districts, CESAs, counties, and Milwaukee charter school operators if their special education costs per pupil equals or exceeds \$50,000. The amount of this supplemental aid for a "high-cost" special education pupil equals 50% of the difference between \$50,000 and the unreimbursed special education costs. In addition, DPI must first distribute the supplemental aid, along with the aid for children in hospitals and convalescent homes, before distributing aid for other special education services.

This bill provides that the individualized education program team, appointed by a local educational agency or LEA (a school district, CESA, county, or Milwaukee

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charter school operator) to evaluate a child to determine whether the child is disabled and to develop an individualized education program for a child with a disability, is not responsible for determining the appropriate special education placement for the child. Under the bill, the LEA is responsible for determining the child's placement.

The bill directs DPI to ensure, to the extent practicable, that all rules promulgated by DPI that relate to special education are identical to federal regulations that relate to special education.

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. Several exceptions to this revenue limit exist, including an exception for a school district with a per pupil base revenue for the previous school year that is less than the statutorily prescribed revenue ceiling of \$6,500 per pupil. Such a school district is allowed to increase its per pupil revenue up to this ceiling without holding a referendum.

This bill eliminates the inflation adjustment beginning in the 2001-02 school year and sets the amount at \$220.29 per pupil for the 2001-02 school year and for each subsequent school year. The bill also changes the revenue ceiling to \$6,700 per pupil for the 2001-02 school year and to \$6,900 per pupil in subsequent school years.

Under current law, if a school district exceeds its revenue limit, DPI must deduct from the district's state aid payments an amount equal to the excess revenue. If the amount is insufficient to cover the excess revenue, the statutes direct DPI to order the school board to reduce the property tax obligations of its taxpayers by an amount that represents the remainder of the excess revenue.

This bill provides that DPI's order to reduce the property tax obligations of a school district's taxpayers does not apply to property taxes levied for the purpose of paying the principal and interest on debt validly issued by the school board. Under article XI, section 3 (3), of the Wisconsin Constitution, when a school district borrows money it must levy an irrevocable tax sufficient to pay the principal of and interest on the debt.

Under current law, if a school district's revenue is less than its revenue limit, it may carry over 75% of its unused revenue-limit authority to the next school year. In addition, each fall DPI calculates the total amount of state aid that each school district will receive in the current school year and makes any necessary adjustments to that calculation by increasing or decreasing state aid paid in the following September.

This bill provides that a school district whose aid is increased by DPI in September of the following school year and whose aid increase is less than its unused revenue-limit authority may carry over as unused revenue-limit authority an amount equal to the amount of the additional September aid plus an amount calculated by determining its unused revenue-limit authority and multiplying the

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difference between the remainder and the amount of additional September aid by 0.75. If the school district's increase in aid is equal to or greater than its unused revenue-limit authority, the bill provides that the school district may carry over 100% of its unused revenue-limit authority.

Under current law, 40% of a school district's summer enrollment is included in its enrollment count when the school district's revenue limit is calculated. This bill reduces this percentage to 25% by the 2003-04 school year.

Currently, the general school aid formula provides three tiers of state support for the public schools. The second tier of support is for costs per student between \$1,000 and the secondary cost ceiling. Currently, the secondary cost ceiling per pupil is the prior year's secondary cost ceiling per pupil adjusted by the rate of inflation. This bill sets the secondary cost ceiling per pupil at \$6,900 in the 2001-02 school year and \$7,300 in the 2002-03 school year. Thereafter, the secondary cost ceiling per pupil is the prior year's cost ceiling adjusted for inflation.

Current law guarantees that a school district will receive in "special adjustment aid" sufficient funds to ensure that it receives at least 85% of its prior year's payment of general school aid. In addition, each fall DPI calculates the total amount of state aid that each school district will receive in the current school year and makes any necessary adjustments to that calculation by increasing or decreasing state aid paid in the following September. This bill provides that DPI may not consider the amount of this adjustment of state aid in calculating special adjustment aid.

Under current law, referenda are required or authorized to be held by school districts to incur debt or exceed state revenue limits, or to exceed the levy rate limit for a school construction fund that is applicable only to the Milwaukee Public Schools (MPS). These referenda are required or authorized to be held at special elections when no offices appear on the ballot. This bill provides that the referenda must be held concurrently with the spring election (held in each year) or the general election (held in each even-numbered year), or on the Tuesday after the first Monday in November in an odd-numbered year.

Under current law, a public school may not begin the school term until September 1 unless it holds a public hearing on the issue and adopts a resolution. The hearing must be held no earlier than the preceding July 1. Beginning in the 2002-03 school year, this bill allows the hearing to be held as early as the preceding May 1. The bill also prohibits classes from being held on August 30, 2001, and August 31, 2002.

Under current law, a school district is required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit concerning the wages, hours, and conditions of employment of the employees. Among the subjects that are mandatory subjects of collective bargaining is any

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school calendaring proposal that is *primarily related to* wages, hours, and conditions of employment. This bill provides that a school district may not bargain collectively with respect to the establishment of the school calendar, but expressly requires that a school district must bargain collectively with respect to the *impact* of any school calendar decision on wages, hours, and conditions of employment.

Current law authorizes the MPS board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district (educational services statute). The MPS board may also close any school that it determines is low in performance (school closing statute). If the MPS board closes a school or reopens a school that has been closed, the superintendent of schools may reassign the school's staff without regard to seniority in service. In addition, the MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision to contract with a private nonsectarian school or private nonsectarian agency in the city to provide educational programs to pupils, or the impact of any such decision on the wages, hours, or conditions of employment of the employees who perform those services; or 2) the reassignment of employees who perform services for the board, with or without regard to seniority, as the result of a decision of the board to close or reopen a school or to contract with an individual to operate a charter school or to convert a school to a charter school, or the impact of any such reassignment on the wages, hours, or conditions of employment of the employees who perform those services (collective bargaining statute). This bill extends the educational services, school closing, and collective bargaining statutes to cover all school boards.

Current law allows two or more school districts to consolidate. On the effective date of the consolidation, employees of the consolidating school districts become employees of the new consolidated school district. This bill authorizes the school district administrator of the new consolidated school district, for 60 days after the effective date of the consolidation, to lay off or reassign school district employees without regard to seniority in service. In addition, the bill provides that any such layoff or reassignment of school district employees is a prohibited subject of collective bargaining.

This bill directs DPI to award grants to up to six school boards on behalf of schools that demonstrate improved academic performance and to promulgate rules to implement the grant program that include, as performance criteria, dropout rates, improvement in pupils' performance and in teachers' knowledge and skills, graduation rates, and the number of teachers who have received national board certification. DPI must ensure that the grants do not exceed \$2,000 multiplied by the number of employees in all schools in the school district that meet the performance criteria contained in DPI's rules.

Under current law, a school district may not provide to its professional employees who are not in collective bargaining units an average increase in compensation and fringe benefits that has an average cost per employee exceeding

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3.8% of the average total cost per employee of compensation and fringe benefits provided by the school district to such employees for the preceding 12-month period ending on June 30 or the average total percentage increased cost per employee of compensation and fringe benefits provided to its professional employees who are in collective bargaining units during the 12-month period ending on June 30 preceding the date that the increase becomes effective, whichever is greater. This bill provides that any compensation received by professional employees who are not in collective bargaining units from school performance grants is not subject to this limitation on compensation and fringe benefit costs.

Current law exempts computers from property taxation. This bill provides that the amounts received by school districts to compensate them for the reduction in their tax base due to the property tax exemption for computers is included in their shared cost for the purpose of computing general aid.

This bill directs DPI to award grants to CESAs to fund the development, for school districts, of education services that are unrelated to instruction. The bill also directs DPI to award grants to two or more school districts that are considering consolidating or coordinating the provision of educational services for the purpose of studying the feasibility of the consolidation or coordination.

Currently, under the Open Enrollment Program, a pupil may attend any public school located outside his or her school district of residence if the pupil's parent complies with certain application procedures. A school board may, however, deny an open enrollment application if the school district does not have enough space for the pupil. In determining the availability of space, a school board may consider class size limits, pupil-teacher ratios, nonresident pupils whose school district of residence pays tuition to the nonresident school district, and enrollment projections. If the school board receives more open enrollment applications than it has spaces, the school board must select pupils randomly. A school board must also give preference in accepting open enrollment applications to pupils already attending school (continuing pupils) and their siblings.

In *McMorrow v. State Superintendent of Public Instruction, John T. Benson*, No. 99-1288 (July 25, 2000), the Wisconsin Court of Appeals held that the requirement that a school board give preference in accepting open enrollment applications to continuing pupils and their siblings applies only when there are spaces available in the first place; when there are more applicants than available spaces, the pupils accepted must be determined randomly. The court also held that a school board may not include continuing pupils in its space determination. This bill permits a school board to adopt policies that include continuing pupils and their siblings in space determinations and allows a school board to give preference in accepting the open enrollment applications of continuing pupils and their siblings, even if the school board determines that it does not have space for the pupils.

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In administering the open enrollment program, DPI annually adjusts each school district's share of state aid depending upon whether the district has more or fewer nonresidents attending the district than it has residents attending other districts. The per pupil adjustment is based upon the statewide average per pupil cost for regular instruction, cocurricular activities, instructional support services, and pupil support services. This bill bases the adjustment on two-thirds of the total statewide average per pupil cost.

Currently, with certain exceptions, if a pupil attends a public school outside the school district in which the pupil resides, the pupil's parent or guardian pays tuition. Tuition is currently the statewide average per pupil cost for regular instruction, cocurricular activities, instructional support services, and pupil support services. Under this bill, beginning in the 2002-03 school year, tuition is two-thirds of the total statewide average per pupil cost.

This bill creates an 11-member committee, appointed by the governor, to review and make recommendations for modifying DPI's administrative rules. The committee must identify those rules that are outmoded, impede innovation, cause inefficiencies, or fail to promote academic achievement, and those rules that should not apply to school districts that are granted extended flexibility status. DPI must review the committee's recommendations and propose modifications to its rules based on those recommendations.

This bill directs DPI to submit to the governor and to DOA a plan for the reorganization of the division for learning support and instructional services in DPI. The plan must provide for the creation of a bureau for school improvement to provide on-site, technical assistance to schools and school districts, especially schools and school districts that are low in performance. If the plan is approved by the governor, the bureau must consist of school performance teams, each of which must include one licensed teacher employed by a school district and assigned to DPI under an interagency exchange agreement.

This bill prohibits DPI from promulgating a rule that relates to distance education without the approval of the secretary of administration, the technical college system board, and the technology for educational achievement in Wisconsin board.

This bill directs DPI to distribute to school districts the maximum amount of federal aid that is allowed under federal law, except for those funds provided for administrative purposes.

This bill directs DPI to ensure that the vocational education consultants employed by DPI coordinate their activities with the staff of the governor's work-based learning board.

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Currently, the state pays public school tuition for any pupil in a foster home, treatment foster home, or group home if the home is located outside the school district in which the pupil's parent or guardian resides and the home is exempt from property taxation. Under this bill, the state also pays public school tuition for any pupil who resides in a foster home, treatment foster home, or group home if the home is located outside the school district in which the pupil's parent or guardian resides and the pupil receives special education, even if the home is subject to property taxation, if at least 4% of the school district's enrollment resides in such homes that are subject to property taxation.

Under current law, towns, villages, cities, counties, public inland protection and rehabilitation districts, town sanitary districts, metropolitan sewerage districts, joint sewerage systems, school districts, technical college districts, cooperative educational service agencies, and consortia of two or more school districts, technical college districts, counties, cities, villages, or towns may obtain state trust fund loans from the board of commissioners of public lands. Currently, a federated public library system whose territory lies within one county is considered to be an agency of that county and, therefore, may obtain a state trust fund loan through the county. This bill permits a federated public library system whose territory lies within two or more counties, which is a separate legal entity from the counties participating in that system, to obtain a state trust fund loan.

This bill requires DPI to charge school districts a fee for the use of BadgerLink, which provides statewide access, through the Internet, to periodical and reference information databases.

HIGHER EDUCATION

Current law prohibits the UW board of regents (board) from increasing resident, undergraduate tuition beyond an amount that is sufficient to fund certain costs, such as compensation and fringe benefits for UW employees and the costs of nontraditional courses, but permits the board to spend the entire amount of tuition received. Beginning in the 2002-03 academic year, this bill eliminates the restrictions on increasing resident undergraduate tuition.

Under current law, the board may not create or abolish any position funded with general purpose revenues (GPR) without legislative approval. This bill permits the board to create or abolish faculty and academic staff GPR-funded positions without legislative approval if it submits a request to DOA containing a clear explanation of how the board will fill the requested position and if DOA approves the request.

Under current law, the board may create or abolish certain positions funded with program revenue without legislative approval if it reports the number of positions created or abolished and the funding source to DOA and JCF. This bill allows the board to create positions funded from program revenue generated from

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courses for which nonresident and resident students pay the same tuition and for which the tuition charged equals 100% of the cost of offering the course. The bill also imposes the same reporting requirement for these new positions.

Under current law, the board may, until the 2000-01 academic year, exempt from the payment of nonresident tuition a certain number of students enrolled at UW-Parkside and UW-Superior. This bill allows the UW board to continue to exempt these pupils after the 2000-01 academic year.

Current law requires the board to make all reasonable efforts to provide night courses. This bill instead requires the board to ensure that at least 15% of all UW System course sections that are offered for credit and that do not exclude undergraduate students are offered during the evenings and weekends or by electronic means.

Under current law, the board must remit resident, undergraduate tuition for children or spouses of certain persons, such as police officers, who are killed in the line of duty. This bill directs the board to remit the resident, undergraduate tuition of the winner of the Wisconsin state science fair for up to five consecutive years. A winner who receives the fee remission, remains in good academic standing, and completes a bachelor's degree receives a two-year fee remission for a science-related graduate program.

Currently, the technical college system (TCS) board must approve the qualifications of educational personnel and the courses of study for each program offered in the district schools. This bill allows a district board to employ an instructor who is not certified by the TCS board if the instructor holds a valid industry certification recognized by the TCS board.

Current law prohibits the TCS board from considering any course of study for approval if the course has not first been approved by the district board. This bill eliminates this prohibition. The bill also requires the district board to offer any program or course of study that the TCS board directs the district board to offer, and to eliminate any program or course of study that the TCS board directs the board to eliminate.

Currently, a district board must hold a referendum if it intends to make a capital expenditure that exceeds \$500,000. Under certain conditions, that requirement does not apply to a capital expenditure to purchase or construct an applied technology center. One of the conditions is that the expenditure be made before January 1, 2002. This bill extends that date to July 1, 2003.

The TCS board currently awards incentive grants to district boards for a variety of purposes. This bill authorizes the TCS board to award a grant to a district board to assist in the statewide marketing and promotion of the TCS. The bill also prohibits the TCS board from awarding any incentive grant to a district board without first reviewing and approving the district board's budget.

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This bill directs the governor to appoint a committee to study the feasibility of consolidating the UW System two-year colleges and the TCS and to report its findings to DOA by January 1, 2002.

This bill directs the TCS board to establish a system that allows a student enrolled in one technical college to enroll in a course offered over the Internet by another technical college without paying additional fees to the technical college offering the course. The bill also directs the TCS board to assist technical colleges to develop Internet courses and to establish an Internet site that provides information on all such courses.

Under current law, the College Tuition and Expenses Program (popularly known as "EdVest") allows a person to purchase "tuition units" that can later be used to pay college tuition, room, board, and related expenses on behalf of the purchaser, the purchaser's child or legal guardian, or, if the purchaser is a trust, the beneficiary of the trust. The College Savings Program, designed to complement EdVest, allows a person, including a charitable organization, to make contributions to a college savings account to pay the college expenses of a named beneficiary or an unnamed, future recipient of a scholarship account established by the charitable organization.

EdVest is administered by the state treasurer, while the College Savings Program is administered by the college savings board (board), which must contract with a private vendor for the investment of the contributions to the college savings accounts. Both a college tuition and expenses or college savings account must be closed if the funds in the account are not used within ten years of the original projected date of the beneficiary's or recipient's enrollment.

This bill allows a person to purchase tuition units on behalf of any named beneficiary, allows a charitable organization to open an EdVest scholarship account for an unnamed, future recipient, and permits, but does not require, the state treasurer or the board to close a college tuition and expenses or college savings account if the account's funds are not used within ten years of the original projected date of the beneficiary's or recipient's enrollment. The bill also permits revenues generated from EdVest or College Savings Program enrollment fees and fees paid by the College Savings Program vendor to be used to defray the administrative costs of either program.

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the educational communications board (ECB) is responsible for overseeing the provision of public broadcasting in this state. In addition, the board of regents of the UW System, as licensee, must manage, operate, and maintain a radio and television station and provide the ECB part-time use of equipment and space necessary for the operations of the state educational radio and television networks.

This bill creates a public broadcasting transitional board (transitional board) that is responsible for creating a nonstock, nonprofit educational broadcasting corporation (corporation). The bill directs the transitional board to draft and file

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articles of incorporation for a corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, the transitional board must provide in the articles of incorporation that the members of the transitional board are the initial directors of the corporate board. The transitional board must prepare an application for the corporate board to submit to the federal communications commission (FCC) to transfer all broadcasting licenses held by the ECB and the board of regents to the corporation, except licenses held by the board of regents for student radio; negotiate an agreement with the Wisconsin Public Radio Association to transfer funds raised by the Wisconsin Public Radio Association to the corporation; and negotiate an agreement with each friends group to transfer funds raised by the friends group to the corporation.

If the FCC approves the transfer of all broadcasting licenses held by the ECB to the corporation, the ECB is eliminated on the effective date of the transfer. If the FCC approves the transfer of all broadcasting licenses held by the board of regents to the corporation, the corporation assumes the broadcasting activities of the board of regents.

The corporation is entitled to receive state aid for its operational expenses if the corporation, generally, maintains a state system of radio broadcasting for presenting educational, informational, and public service programs; maintains television channels for educational use; and enters into a contract with the board of regents for the services of the employees of the board of regents related to providing public broadcasting services.

If the FCC approves the transfer of all broadcasting licenses held by the ECB to the corporation, ECB employees become DOA employees and those employees will provide broadcasting services to the corporation under a contract between DOA and the corporation.

Under current law, school districts, public library boards, and certain other educational agencies are eligible to receive grants and loans for educational technology from the technology for educational achievement in Wisconsin (TEACH) board. This bill makes certain secured correctional facilities for juvenile delinquency and the UW-Milwaukee, Milwaukee Area Technical College, and the city of Milwaukee eligible to receive these grants and loans on behalf of charter schools that they sponsor.

This bill directs the TEACH board to award grants to school districts in the 2001-03 fiscal biennium to train pupils to provide educational technology support services.

Under current law, the TEACH board makes subsidized loans to school districts and public library boards that may be used only for upgrading and installing computer network wiring. In addition, certain educational agencies, such as school districts and public library systems, may participate in the Educational Telecommunications Access Program, which provides these agencies with access to data and video links.

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This bill allows public library boards to use the loans to purchase hardware necessary for direct connection to the internet and to enter into shared services agreements concerning telecommunications access with local units of government. The bill also permits individual public library branches to participate in the Educational Telecommunications Access Program.

Under current law, the state has participated in the formation and operation of the Wisconsin Advanced Telecommunications Foundation (foundation), which is organized as a nonstock corporation. As required under current law, the foundation has established an endowment fund, which consists of a onetime \$500,000 contribution by the state and contributions by telecommunications providers. As also required under current law, the foundation has established a fast start fund, which consists of contributions by telecommunications providers. The foundation uses both funds to provide funding for advanced telecommunications technology applications projects and efforts to educate telecommunications users about advanced telecommunications services. Current law also provides that if the foundation substantially ceases operations, the state's unencumbered contribution to the endowment fund must be returned to the state. Effective February 6, 2001, the foundation dissolved itself and transferred its funds to DOA as a gift.

This bill eliminates all provisions under current law regarding the foundation. In addition, the bill provides that \$2,000,000 of the moneys that are received by DOA are transferred to the TCS board for establishing an Internet site that lists all the Internet courses provided by the technical colleges and to assist technical colleges to develop Internet courses.

The bill also provides that the following moneys that are received by DOA are transferred to the TEACH board for the following purposes: 1) \$136,200 for administrative and support services to resolve the outstanding business of the foundation and performing other duties specified by the secretary of the TEACH board; and 2) \$566,200 for closing out any existing grants awarded by the foundation.

In addition, the bill provides that the following moneys that are received by DOA are transferred to the board of regents of the UW System for the following purposes: 1) \$250,000 for the UW Learning Innovations at UW-Extension to establish a nonprofit, tax-exempt corporation whose purpose is to establish distance education classrooms in Wisconsin trade offices abroad and offer UW System distance education courses from those classrooms; 2) \$3,000,000 for funding the activities of the UW Learning Innovations at UW-Extension; 3) \$500,000 for developing wireless networking systems that allow students to use laptop computers and docking stations to connect to the Internet; 4) \$2,000,000 for funding the UW System's project designated "Internet 2," which upgrades technology infrastructure on campuses for enhancing high-speed Internet activity; 5) \$500,000 for purchasing a digital mammography machine for the UW Medical School; and 6) \$1,000,000 for funding the Wisconsin advanced distributed co-laboratory, a computer laboratory located on the UW-Madison campus. If the last transfer is made, the UW System board of regents must submit a report to DOA by September 1, 2003, that shows how the money was used and describes any federal funding for the co-laboratory.

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Also under the bill, the following moneys that are received by DOA are transferred to DPI for the following purposes: 1) \$579,000 for upgrading the Wisconsin Informational Network for School Success; 2) \$77,800 for upgrading the state school finance information system; 3) \$526,000 for completing a network upgrade and upgrading and replacing assistive technology devices and related software programs for the Wisconsin Center for the Blind and Visually Impaired; 4) \$161,600 for replacing the automated system at the Wisconsin Regional Library for the Blind and Physically Handicapped; and 5) \$500,000 for awarding a grant to the National Geographical Society Education Foundation for establishing a program for awarding grants and supporting programs for improving geographical education in the state, with an emphasis on student use of geographic information systems technology. The transfer of \$500,000 for awarding the grant to the National Geographical Society Education Foundation is contingent on that foundation's contribution of \$500,000 in matching funds for the program that is established.

The bill also provides that \$1,500,000 of the moneys received by DOA is transferred to the department of commerce to award grants, no later than June 30, 2003, to the UW-Milwaukee, the UW-Parkside, Marquette University, the Milwaukee School of Engineering, and the Medical College of Wisconsin. The grants must be used for research related to emerging technologies that promote industrial and economic development in southeastern Wisconsin. The department of commerce and a grant recipient must enter into an agreement that specifies reporting and auditing requirements for the grant.

In addition, the bill provides that \$168,300 of the moneys received by DOA is transferred to HEAB for upgrading technology at the board.

EMPLOYMENT

Under the Municipal Employment Relations Act (MERA), the selection of any group health care benefits provider for municipal employees, including school district employees, is treated as a mandatory subject of collective bargaining if the selection of the provider primarily relates to the wages, hours, and working conditions of the employees. This bill provides that the selection of any group health care benefits provider for school district professional employees is treated as a permissive subject of collective bargaining under MERA (which means that the employer is not required to bargain with respect to the subject) if the provider offers health care benefits coverage that is substantially similar to that offered by other providers in bids submitted to school districts. Under the bill, OCI must promulgate rules that set out a standardized summary of health care benefits for use in determining whether coverage offered by different providers that submit bids to school districts is substantially similar.

Under MERA, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to 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 with respect to any dispute relating to wages, hours, and

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conditions of employment. If WERC determines that an impasse exists and that arbitration is required, WERC must submit to the parties a list of seven arbitrators, from which the parties alternately strike names until one arbitrator is left. As an alternative to a single arbitrator, WERC may provide for an arbitration panel that consists of one person selected by each party and one person selected by WERC. As a further alternative, WERC may also provide a process that allows for a random selection of a single arbitrator from a list of seven names submitted by WERC. Under current law, 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.

This process, however, does not apply to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines 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 to maintain all of 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. This bill provides that a QEO need only provide substantially similar health care benefits, not all of the health care benefits.

Under current law, an arbitrator is appointed to resolve any collective bargaining dispute between the city of Milwaukee and the members of the city's police department when the parties have reached an impasse on matters relating to wages, hours, and conditions of employment, as determined by WERC. This bill authorizes an arbitrator to establish a system for conducting interrogations of members of the police department that is limited to the hours between 7 a.m. and 5 p.m. on working days, if the interrogations could lead to disciplinary action, demotion, or dismissal. Under the bill, "working days" are all days except Saturday, Sunday, and certain legal holidays.

Under current law, the national and community service board, which is attached to DOA for administrative purposes, administers at the state level the federal National and Community Service Trust Act of 1993, under which the federal government provides funding for national service programs that address unmet human, educational, environmental, and public safety needs and for educational grants to persons who successfully complete their term of service in a national service program. This bill transfers that board to DWD.

Under current law, the Wisconsin conservation corps (WCC) employs young adults to work on conservation and human services activities. The WCC program is administered by the WCC board, which may delegate its administration responsibilities to the executive secretary of the board. This bill eliminates the WCC board and the position of executive secretary of the board and transfers

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administration of the WCC program to DWD. The bill also creates a WCC council to advise DWD in developing guidelines, standards, and procedures for the administration of the WCC program, including guidelines for selecting WCC projects and standards and procedures for the selection, hiring, promotion, discipline, and termination of WCC enrollees.

The bill also requires DWD to work with a nonprofit corporation that provides education, employment skills, and career direction leading to economic self-sufficiency to young people in Dane County who are at risk of not achieving economic self-sufficiency to develop a plan to track the educational attainment of persons enrolled in the WCC program, consolidate the functions of the WCC program, add educational and training components to the WCC program, provide a method for determining the location and number of crews working on WCC projects, and improve the retention of persons enrolled in the WCC program.

Under current law, a WCC enrollee who is employed for a continuous six-month period and who receives a satisfactory evaluation is entitled to an education voucher that the enrollee may use, for three years after its issuance, to pay tuition and fees at an institution of higher education. A WCC enrollee who has been a crew leader or a regional crew leader for at least two years is also entitled to group health care coverage. This bill permits a WCC enrollee to use an education voucher for four years after its issuance. The bill also lowers to six months the period for which a WCC enrollee must have been a crew leader or a regional crew leader to be eligible for group health care coverage.

Under current law, DWD may fix and collect a reasonable fee for issuing child labor permits, street trade permits, and certificates of age for minors. DWD has fixed that fee by rule at \$5, 50% of which may be retained by a permit officer who is not employed by DWD and 50% of which must be forwarded by such a permit officer to DWD. This bill increases that fee to \$7.50 and requires a permit officer who is not employed by DWD to forward \$5 of that fee, and a permit officer who is employed by DWD to forward the entire fee, to DWD. Of each fee collected, \$2.50 is used to pay for the expenses of providing an automated child labor permit system and for other operational expenses of the division of equal rights in DWD.

Under current law, the governor's work-based learning board (board) is required to administer the Youth Apprenticeship Program, under which training grants are awarded to employers that provide paid on-the-job training and supervision for youth apprentices. This bill limits eligibility for a youth apprenticeship training grant to small employers, as determined by the board, and to employers providing on-the-job training in employment areas determined by the board.

Under current law, DWD provides a job center network through which job seekers may receive comprehensive career planning, job placement, and job training information. As part of the job center network, DWD provides career counseling

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centers at which youths may receive access to comprehensive career education and job training information and assistance in locating apprenticeship and other work experience opportunities that are related to the youth's education. This bill transfers responsibility for providing career counseling centers from DWD to the board.

Under current law, there is a division of workforce excellence in DWD, and the administrator of that division is a member of the board. This bill eliminates that division and substitutes as a member of the board an administrator of a division in DWD, designated by the governor.

ENVIRONMENT**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP*****Local governmental units and contaminated property***

Current law authorizes a local governmental unit that owns property that is contaminated with hazardous substances to initiate a process for negotiating about how the contamination will be remedied and how much the various parties that are responsible for the contamination will contribute toward the investigation and remedial action costs. The negotiations are presided over by an umpire. If an agreement is reached, it is binding on the parties. If an agreement is not reached, the umpire makes a recommendation that may be accepted or rejected by the parties. If the local governmental unit accepts the recommendation and another party rejects the recommendation, the local governmental unit may sue that party to attempt to recover a portion of the investigation and clean-up costs. If the local governmental unit recovers an amount equal to or exceeding the amount that the party would have paid under the umpire's recommendation, the local governmental unit may recover interest and litigation costs.

This bill expands the applicability of the cost-recovery process so that it may be used by a local governmental unit that does not own a contaminated property if the local governmental unit is responsible for some of the contamination at the site or facility and commits itself to paying more than 50% of the investigation and remedial action costs, less any financial assistance received from this state. Under the bill, DNR determines how the contamination will be remedied after considering a proposal from the local governmental unit, and the negotiations relate only to the amount that each responsible party will contribute toward the investigation and clean-up costs. Under the bill, if a person who transported hazardous substances to a contaminated property cooperates in providing information about the transport and disposal of waste at the property, the amount of clean-up costs allocated to the transporter are limited. If a transporter fails to cooperate, the amount of costs allocated to the transporter may be increased.

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Current law generally exempts a local governmental unit from these clean-up requirements with respect to hazardous

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substance discharges on property acquired in specified ways, such as through tax delinquency proceedings and condemnation.

This bill provides that a local governmental unit is exempt from solid waste management standards and other legal requirements relating to solid waste with respect to a property that was acquired in a way that would qualify for the exemption from clean-up requirements, except that the exemption from solid waste requirements does not apply to a solid waste facility that was owned by the local governmental unit while it was operated or to landfills.

Under current law, if a person does not pay the tax that is due on the person's real property before September 1, the county treasurer must issue a tax certificate to the county that relates to the property. The issuance of a tax certificate begins the redemption period during which the person may retain the person's property by paying the delinquent taxes. In most cases, the redemption period is two years. If the property owner does not pay the delinquent taxes before the redemption period expires, the county may acquire the property by taking a tax deed on the property, by commencing an action to foreclose the tax certificate, or by commencing an action to foreclose a tax lien on the property.

Under this bill, after the redemption period on tax delinquent property expires, the county may transfer the property to a person by executing a tax deed to that person, if the county provides written notice of the transfer to the municipality in which the property is located at least 15 days before the governing body of the county meets to consider approving executing the tax deed; the property is a brownfield; an environmental assessment has been conducted on the property and DNR is given the results of that assessment; and, if the property is contaminated by a hazardous substance, the person to whom the tax deed is executed agrees to investigate, clean up, maintain, and monitor the property according to rules that are promulgated by DNR.

Under current law, a county may sell any tax delinquent property it acquires by using a competitive bidding process by which the county accepts the best bid, but rejects any bid that is less than the property's appraised value. Under this bill, a county that acquires tax delinquent property may sell the property without using a competitive bidding process, if the county provides written notice of the sale to the municipality in which the property is located at least 15 days before the sale; the property is contaminated by a hazardous substance; the property is a brownfield; an environmental assessment has been conducted on the property and DNR is given the results of that assessment; and the purchaser of the property agrees to investigate, clean up, maintain, and monitor the property according to rules that are promulgated by DNR.

Liability exemptions

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful

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effects of the discharge on the environment. Under current law, a person is exempt from the requirements to restore the environment and minimize the effects of the discharge of a hazardous substance on the environment with respect to the existence of a hazardous substance in soil on property possessed or controlled by the person if the discharge originated from a source off of the property and other specified conditions are satisfied. This bill specifies that the liability exemption for soil contamination that originates off of a property applies to hazardous substances in sediments on the property.

Under current law, a person who applies to DNR for an exemption from liability for hazardous substance discharges (a voluntary party) is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharge, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted, the property is cleaned up, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, and the voluntary party maintains and monitors the property as required by DNR. This exemption applies if later changes to the law would impose greater responsibilities on the voluntary party or if it is discovered that the cleanup failed to fully restore the environment or to minimize the harmful effects of the discharge.

This bill modifies the voluntary party liability exemption so that the requirement to maintain and monitor the property as required by DNR only applies to a voluntary party while the voluntary party owns or controls the property. The bill specifies that the voluntary party liability exemption continues to apply to a voluntary party who does not own or control the property if the person who owns or controls the property fails to maintain and monitor the property as required by DNR.

Under current law, for a property affected by an off-site discharge that has contaminated the groundwater and by discharges of other hazardous substances, a voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharges, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted; the property is cleaned up, except with respect to the discharge that originated off-site; DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, except with respect to the discharge that originated off-site; DNR determines in writing that the voluntary party qualifies for the off-site exemption; and the voluntary party maintains and monitors the property as required by DNR. This bill expands the voluntary party exemption from liability related to groundwater contamination from an off-site discharge so that it also applies to property on which the *soil* is contaminated by an off-site discharge.

Under current law, a voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of a discharge, and from the requirements of other laws relating to hazardous substances, if an

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environmental investigation of the property is conducted, the property is cleaned up, except with respect to a substance in groundwater that DNR determines will naturally attenuate, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge except with respect to the substance that DNR has determined will naturally attenuate, the voluntary party maintains and monitors the property as required by DNR, and, if required by DNR, the voluntary party obtains insurance to cover the costs of cleanup if natural attenuation fails.

This bill provides that to qualify for the liability exemption for property on which DNR determines that natural attenuation will successfully complete the cleanup, a voluntary party who owns the property must provide access to the property for the purpose of determining whether natural attenuation has failed and, if so, to allow someone else clean up the property.

Under current law, a voluntary party is exempt from liability with respect to the existence of a hazardous substance on property if the hazardous substance is discovered in the course of a cleanup and if the voluntary party has obtained insurance to cover the costs of cleaning up hazardous substances discovered in the course of the cleanup. This bill eliminates this exemption from liability.

Petroleum storage remedial action

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA. This bill makes several changes in the laws related to PECFA.

Under current law, this state issues revenue bonds to fund a portion of the PECFA costs. This bill increases the PECFA revenue bonding limit by \$100,000,000.

Under current law, PECFA provides reimbursement for some interest costs incurred by applicants. Under this bill, with specified exceptions, if an applicant submits the final PECFA claim later than the 60th day after completing all clean-up activities, the applicant is ineligible for reimbursement for interest costs incurred after that day; if clean-up activities are not completed within ten years after the investigation of the discharge was completed, the applicant is ineligible for reimbursement for interest costs incurred after that ten-year period; and if an investigation was completed more than five years after the applicant notified the department of commerce about the discharge or more than two years after this bill becomes law, whichever is later, the applicant is ineligible for reimbursement for interest costs incurred after the later of those periods. These provisions limiting interest cost reimbursement do not apply to applicants who receive federal or state financial assistance, other than under PECFA, and who are either local governmental units or engaged in brownfields redevelopment.

Under current law, DNR oversees the cleanup of high-risk sites under PECFA, and the department of commerce oversees the cleanup of other sites. Under this bill, a high-cost site is a site at which more than \$200,000 in eligible costs under PECFA have been incurred. Under the bill, the department of commerce oversees the

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cleanup of a site that becomes a high-cost site after November 30, 2001, once more than \$400,000 in eligible costs under PECFA have been incurred or more than seven years have elapsed since the investigation of the discharge was completed. The bill imposes requirements on DNR and the department of commerce to oversee cleanups so that clean-up activities are completed at high-cost sites within specified periods.

Under current law, farm petroleum product storage tanks of 1,100 gallons or less capacity are covered under PECFA only if the owner of the tank owns at least 35 acres of land devoted primarily to agricultural use that produced gross farm profits of at least \$6,000 in the year before the owner applies for PECFA reimbursement, or gross farm profits of at least \$18,000 during the three years before application.

This bill expands PECFA coverage of farm tanks so that a farm tank owner who formerly owned at least 35 acres of land devoted primarily to agricultural use is eligible if the owner submits a PECFA claim within one year after he or she transferred ownership of the land and if the land produced gross farm profits of at least \$6,000 in the year before the owner transferred ownership of the land, or gross farm profits of at least \$18,000 during the three years before the owner transferred ownership of the land. The bill also provides that a farm tank owner is eligible for PECFA coverage only if the farm tank is located on the parcel of land that meets the gross profits test.

Other hazardous substances and environmental cleanup

Under current law, DNR administers the Brownfield Site Assessment Grant Program, under which DNR awards grants to local governmental units for such activities as investigating environmental contamination, asbestos abatement activities, and removing abandoned underground storage tanks. This bill transfers the Brownfield Site Assessment Grant Program to the department of commerce.

Under current law, DNR administers the Sustainable Urban Development Zone Program. Under the program, DNR provides funds to the city of Beloit, the city of Green Bay, the city of La Crosse, the city of Milwaukee, and the city of Oshkosh to investigate environmental contamination and to conduct cleanups of brownfields in those cities. This bill eliminates the Sustainable Urban Development Zone Program.

Current law authorizes the issuance of general obligation bonds to pay for actions taken to clean up the environment under specified programs administered by DNR. This bill increases the general obligation bonding authority for these clean-up programs by \$5,000,000. Of this amount, \$2,000,000 is allocated for cleanups in or adjacent to the Great Lakes or their tributaries.

Under the Land Recycling Loan Program, this state provides loans to cities, villages, towns, and counties (political subdivisions) for projects to remedy environmental contamination at sites where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are

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subsidized, so that recipients are not required to pay interest. Each biennial budget act establishes the present value of the subsidies that may be provided under the Land Recycling Loan Program during that biennium. This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2001-03 biennium at \$9,110,000.

Under current law, DNR administers the Dry Cleaner Environmental Response Program (DERP), under which DNR reimburses a portion of the costs of responding to discharges of dry cleaning solvents from dry cleaning facilities. DERP is funded by dry cleaning license and solvent fees paid by owners and operators of dry cleaning facilities. Under this bill, DNR provides reimbursement for the costs of responding to discharges of other kinds of dry cleaning products, in addition to solvents.

Under current law, the deductible under DERP generally ranges from \$10,000 to \$76,000, depending on the amount of eligible costs. However, for a dry cleaning facility that has closed before the owner or operator applies under DERP, the deductible is increased. This bill eliminates the higher deductible for closed dry cleaning facilities.

Currently under DERP, the owner or operator of a dry cleaning facility on which construction began after October 4, 1997, is required to have implemented five specified pollution prevention measures. This requirement does not generally apply to older dry cleaning facilities. Under this bill, beginning one year after this bill takes effect, all dry cleaning facilities must have implemented three of the pollution prevention requirements in order to be eligible under DERP.

Current law authorizes DNR to cooperate with the federal environmental protection agency (EPA) in implementing the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act), which provides for the clean up of contaminated property. This bill authorizes DNR to accept the transfer of an interest in property that was acquired by EPA as part of a CERCLA cleanup. The bill also authorizes DNR to acquire an interest in property from any person as part of a cleanup conducted in cooperation with EPA if the acquisition is necessary to conduct the cleanup.

WATER QUALITY

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. Financial assistance is typically provided in the form of a loan at a subsidized interest rate. Each biennial budget act establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that biennium. This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2001-03 biennium at \$90,000,000. The bill increases the general obligation bonding authority for the Clean Water Fund Program by \$65,000,000 when the bill is enacted and an additional \$20,000,000 on July 1, 2003.

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The bill also increases the revenue bonding authority for the Clean Water Fund Program by \$92,000,000.

Generally, under the Clean Water Fund Program, funds are allocated to a project as soon as the project is approved. However, if the amount of present value subsidy, general obligation bonding authority, or revenue bonding authority available for a biennium is 85% or less of the amount requested in a biennial finance plan prepared by DOA and DNR, funding is allocated on the basis of a priority list and funding may be provided in a fiscal year only to projects for which an application is submitted by the June 30 preceding that fiscal year. This bill reduces the threshold for allocating funds based on a priority list from 85% to 75%.

Under current law, a collection system or interceptor in an unsewered area is eligible for subsidized financial assistance under the Clean Water Fund Program only if at least two-thirds of the initial flow will be for wastewater originating from residences in existence on October 17, 1972. This bill eliminates the reference to October 17, 1972, and provides that a collection system or interceptor in an unsewered area is eligible for subsidized financial assistance under the Clean Water Fund Program only if at least two-thirds of the initial flow will be for wastewater originating from residences in existence on the date that is ten years before the day that DNR approves the facility plan for the project.

Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. Each biennial budget act establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2001-03 biennium at \$10,900,000.

Current law requires permits from DNR for certain storm water discharges, including discharges of storm water from a municipal storm sewer system serving an incorporated area with a population of 100,000 or more.

This bill requires permits for additional municipal storm sewer systems, as now required by federal law. Under the bill, the operator of a municipal storm sewer system must obtain a permit if one of the following applies:

1. The system serves an urbanized area, as determined by the U.S. bureau of the census.
2. The system serves an area with a population of 10,000 or more and a population density of 1,000 or more per square mile and DNR requires the operator to obtain a permit based on an evaluation of the system's impact on water quality.
3. DNR requires the operator to obtain a permit because the system contributes pollutants to an interconnected system that is required to obtain a permit.

Under current law, DNR, in conjunction with DATCP and local governmental units, administers a program to provide financial assistance for measures to reduce

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water pollution from nonpoint (diffuse) sources. This bill increases the general obligation bonding authority for the Nonpoint Source Program by \$22,400,000.

Under the Nonpoint Source Program, a number of watersheds and lake areas were selected for priority watershed and priority lake projects. Under current law, no new priority watersheds or priority lakes may be selected. The bill prohibits DNR from extending funding for a priority watershed or priority lake project beyond the funding termination date that was in effect on January 1, 2001, or, if no funding termination date was in effect on January 1, 2001, beyond the funding termination date first established after January 1, 2001.

Under the Nonpoint Source Program, local governmental units annually apply for cost-sharing grants from DNR for new nonpoint source projects. A project is eligible for funding only if it is in a target area. An area may be a target area based on several criteria, including the need for compliance with performance standards established by DNR for nonpoint sources that are not agricultural. A project qualifies for funding only if it cannot be conducted with funding provided by DATCP under the Soil and Water Resource Management Program.

This bill adds that an area may be a target area under the Nonpoint Source Program based on the need for compliance with performance standards established by DNR for nonpoint sources that are agricultural. The bill also provides that a project qualifies for funding if DNR, in consultation with DATCP, determines that funding under the Soil and Water Resource Management Program is insufficient to fund the project.

Under current law, DNR administers the Municipal Flood Control and Riparian Restoration Program, under which DNR awards grants that pay a portion of the costs of facilities and structures for the collection and transmission of storm water and of the purchase of flowage and conservation easements on lands within floodways. DNR also administers the Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Program, under which DNR awards grants for projects that manage urban storm water and runoff from urban areas to minimize flooding and protect groundwater. This bill increases the general obligation bonding authority for the two programs by \$11,000,000.

VOLUNTARY ENVIRONMENTAL IMPROVEMENT

This bill creates the Green Tier Program, administered by DNR. The program is designed to improve the environmental performance of public and private entities through the provision of incentives. There are three tiers in the Green Tier Program. A participant may participate in more than one tier.

A public or private entity that is subject to environmental laws (regulated entity) may participate in tier I of the Green Tier Program. To participate, a regulated entity must conduct an environmental performance evaluation or have an environmental management system. An environmental performance evaluation is a systematic review of the effects of a facility on the environment, including an

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evaluation of compliance with one or more environmental laws. An environmental management system is a set of procedures designed to evaluate the effects of a facility on the environment and to achieve improvements in those effects.

To participate in tier I, the regulated entity must submit a report to DNR describing the results of the environmental performance evaluation or describing findings from the environmental management system. At the time of submitting the report, more than two years must have elapsed since the regulated entity was prosecuted or issued a citation for violating an environmental law. The report must describe any violations of environmental laws revealed by the environmental performance evaluation or environmental management system and the actions taken or proposed to be taken to correct the violations. If the regulated entity proposes to take more than 90 days to correct the violations, the regulated entity must submit a proposed compliance schedule.

The bill generally prohibits this state from bringing an action to collect a forfeiture (a civil monetary penalty) for a violation of an environmental law that is disclosed by a regulated entity that satisfies the requirements for participation in tier I of the Green Tier Program if the regulated entity corrects the violation within the 90-day period or within the time provided in a compliance schedule that was approved by DNR. The bill authorizes this state to begin an action to collect forfeitures from a regulated entity that satisfies the requirements for participation in tier I of the Green Tier Program at any time under several circumstances, including cases in which a violation presents an imminent threat or may cause serious harm to public health or the environment or in which DNR discovers the violation before the regulated entity reports the violation.

An entity or a group of entities may participate in tier II of the Green Tier Program. If a group applies, all of the requirements for participation apply to all of the members of the group.

At the time of application for tier II, more than five years must have elapsed since the applicant was convicted of a criminal violation of an environmental law that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment; more than three years must have elapsed since a civil judgment was entered against the applicant for a violation of an environmental law that resulted in substantial harm to public health or the environment; and more than two years must have elapsed since the applicant was prosecuted or issued a citation for violating an environmental law.

To participate in tier II, an applicant must also have implemented or must commit itself to implementing an environmental management system. The applicant must specify objectives for improving its environmental performance or for voluntarily restoring, enhancing, or preserving natural resources. The applicant must also commit itself to conducting annual audits of its environmental management system and to submitting reports to DNR on those audits.

The bill requires DNR to provide public recognition to an entity that participates in tier II of the Green Tier Program. The bill also requires DNR to assign one of its employees to serve as the contact with DNR for a participant in tier II for all licenses and permits that the participant must obtain from DNR. After a

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participant in tier II implements an environmental management system, DNR must conduct inspections of the participant's facilities that are covered under green tier at the lowest frequency that is permitted under DNR's rules.

An entity or a group of entities may participate in tier III of the Green Tier Program. If a group applies, all of the requirements for participation apply to all of the members of the group. A participant in tier III enters into a green tier contract with DNR. The contract specifies the participant's commitments and the incentives that will be provided to the participant.

At the time of application for tier III, more than ten years must have elapsed since the applicant was convicted of a criminal violation of an environmental law that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment; more than five years must have elapsed since a civil judgment was entered against the applicant for a violation of an environmental law that resulted in substantial harm to public health or the environment; and more than two years must have elapsed since the applicant was prosecuted or issued a citation for violating an environmental law.

To participate in tier III, an applicant must have implemented an environmental management system. The applicant must commit itself to having an outside auditor conduct annual audits of the environmental management system and to submitting reports on those audits to DNR. The applicant must also commit itself to annually conducting audits of its compliance with environmental laws and to submitting the results of those audits to DNR.

Finally, to participate in tier III, an applicant must demonstrate that it has a record of superior environmental performance and describe the measures that it proposes to take to maintain and improve its superior environmental performance. "Superior environmental performance" means that an entity minimizes the negative effects of its pollutants on the environment or human health to an extent that is greater than is required by law or that an entity voluntarily engages in restoring, enhancing, or preserving natural resources.

If DNR determines that an applicant qualifies for participation in tier III, DNR may enter into negotiations with the applicant about a green tier contract. DNR may permit interested third parties to participate in the negotiations. If the parties reach an agreement, they may enter into a green tier contract with a term of not more than five years, subject to renewal for terms of not more than five years each. The bill authorizes DNR to promulgate rules specifying incentives that may be provided to participants in tier III.

The bill establishes a grant program under which the department of commerce makes grants to nongovernmental organizations to help those organizations develop the capacity to participate as interested third parties in the Green Tier Program and makes grants to assist in the development of environmental management systems.

OTHER ENVIRONMENT

Under current law, a registrant is required to pay an environmental impact fee of \$6 upon registering a new motor vehicle with DOT or upon applying for a new certificate of title following a transfer of a vehicle. The environmental impact fees

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are credited to the environmental fund and are earmarked for environmental management activities. Currently, the law requiring a registrant to pay an environmental impact fee expires on June 30, 2001. This bill extends that expiration date to September 30, 2003.

Under current law, DNR may characterize a solid waste as a special waste available for beneficial use in a public works project and must maintain a public list of those special wastes. Currently, a contracting agency in a public works project may require the use of those special wastes in a public works project. Current law grants immunity from liability to any person who used those special wastes in a public works project if that use occurred while performing work under the contract for the public works project, the contract permitted or required the use of those special wastes, and the use conformed to the contract provisions. Current law makes the immunity inapplicable to reckless, wanton, or intentional misconduct or if death or injury of an individual resulted from the use. Under current law, DNR may grant a research waiver or an exemption from the requirements regarding the disposal or recycling of high-volume industrial wastes and certain other solid wastes.

Under this bill, solid wastes that DNR has exempted from the disposal requirement are considered special wastes and DNR may characterize them as suitable for use in public works projects. The bill requires DNR to maintain a list of special wastes that are suitable for use in specified types of public works projects. Under the bill, the current provisions regarding liability apply to the use of those listed special wastes in public works projects if the conditions established for their use are met.

Current law generally requires a person to obtain a construction permit from DNR before beginning construction of a stationary source of air pollution. This bill authorizes DNR to issue a general construction permit, which may cover numerous similar stationary sources of air pollution.

Under current law, the owner or operator of a stationary source of air pollution who must obtain an air pollution control permit from DNR is required to pay an annual fee to DNR. The amount of the fee is required to be based, among other things, on actual emissions of pollutants from the source in the preceding five years, using a five-year rolling average. Under this bill, the fee must be based on actual emissions of pollutants from the source in the preceding year, rather than the preceding five years.

This bill requires DNR to award grants to assist local governmental units to establish regional recycling programs.

HEALTH AND HUMAN SERVICES**MEDICAL ASSISTANCE**

Under current federal and state law, medical assistance (MA) is a jointly-funded, federal-state program to provide health care services to eligible

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low-income individuals; federal medicaid funds (known as “federal financial participation”) are provided to match state funds expended for MA. Prescription drug manufacturers enter into agreements with the federal government to provide rebates for prescription drugs purchased under MA. Under current state law, pharmacies and pharmacists that are certified providers of MA services are reimbursed at a rate established by DHFS for providing certain prescription drugs to MA recipients.

Under this bill, DHFS must request from the federal department of health and human services a waiver of federal medicaid laws to permit DHFS to conduct a project to expand MA eligibility solely for the purpose of purchasing prescription drugs for persons who are at least 65, who have not had outpatient prescription drug coverage from any source other than MA for 12 months, and whose annual household incomes do not exceed 185% of the federal poverty line. If the waiver is granted, an eligible person with a household income of up to 155% of the federal poverty line, after paying a \$25 annual enrollment fee and after paying specified deductible amounts for prescription drugs calculated at the pharmacy discount rate, would be entitled to purchase prescription drugs for copayment amounts specified in the bill. A pharmacy or pharmacist who sells a drug at the reduced price would receive reimbursement for the difference between the copayment and the pharmacy discount rate amount from state general purpose revenues and federal medicaid moneys. Persons with household incomes over 155% but less than 186% of the federal poverty line, however, would only be eligible to purchase prescription drugs at the pharmacy discount rate. Under the bill, this project may not be implemented if the federal government creates a national prescription drug benefit program for seniors that would provide similar benefits to a similar population. In addition, DHFS must first secure approval from DOA and JCF.

The bill requires that DOA and DHFS work to develop, in conjunction with other states and with associations, a multistate purchasing group to negotiate with prescription drug manufacturers for MA prescription drug rebate agreements for greater rebates for prescription drugs than those achievable under federal law. Under the bill, DOA must also contract with a private entity to administer a discount program for the purchase of prescription drugs that would be generally available to anyone, regardless of age or income.

The bill requires that DHFS work with DOA to contract with a private entity for the bulk purchase and mail order delivery of prescription drugs for MA recipients who voluntarily participate in the discount program and who have chronic conditions. Further, DHFS and DOA must promote private prescription drug assistance plans that offer free and reduced-price drugs and prescription drug discounts to members. DHFS must inform tribes, certain health centers, and other entities that are eligible for a federal prescription drug discount program about the program and provide technical assistance to the entities in applying for and implementing benefits under the program.

Under current law, DWD administers the eligibility determination aspect of MA; DHFS administers all other aspects of MA. Currently, DWD contracts with

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county departments of social services or human services (county departments) to determine the eligibility of individuals for MA. Under these contracts, DWD reimburses the county departments for the reasonable costs of determining the eligibility of individuals for each program. The amount that is reimbursed to each county department is calculated using a formula based on each county's workload and the amount of available state and federal moneys. DWD is also required to investigate suspected fraudulent activity on the part of individuals who receive MA benefits and to reduce errors in the payment of benefits.

This bill requires DWD and DHFS, jointly, to contract with county departments to reimburse the county departments for the reasonable costs of determining the eligibility of individuals for MA. Under the bill, only DWD makes the payments for reimbursement to the county departments but the payments are funded, in part, by an appropriation to DHFS. The bill requires DHFS to establish its own program to investigate possible fraud on the part of MA recipients and to reduce errors in the payments of MA or, in the alternative, to contract with DWD to conduct these activities.

Under current federal medicaid law, nonfederal public funds transferred to the state and expended for MA purposes may be considered as the state's share for the purpose of claiming federal financial participation.

This bill creates an MA trust fund. The fund consists of 1) moneys received as federal financial participation to match public moneys transferred to the state or certified by DHFS as the state share of financial participation for MA payments related to nursing homes; and 2) public moneys transferred to the state or certified by DHFS as the state and federal share of financial participation for MA payments related to nursing homes. The moneys in the MA trust fund are appropriated to DHFS to meet the costs of MA and the administrative costs associated with augmenting federal financial participation.

Under current law, in each fiscal year DHFS may distribute up to \$38,600,000 received as federal financial participation to supplement MA payments to reduce the operating deficits of county, city, village, or town nursing homes. DHFS must also distribute for this purpose additional moneys received as federal financial participation that were not anticipated before enactment of the biennial budget act or before enactment of other legislation that affects the appropriation of such federal moneys.

As of July 1, 2000, this bill retroactively eliminates the requirement that DHFS distribute for this purpose additional, unanticipated moneys received as federal financial participation and increases, to up to \$40,100,000, the amount of federal financial participation that may be distributed.

Under current law, DHFS administers the Badger Care Health Care Program (BadgerCare) under a waiver from the federal department of health and human services. BadgerCare provides health care coverage to certain low-income families and to certain low-income children who do not reside with a parent. As a condition

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of eligibility for BadgerCare, a family or child must be without access to employer-subsidized health care coverage for a period specified by DHFS by rule.

This bill requires DHFS to request a waiver from the federal department to extend the period a family or child is required to be without access to employer-subsidized health care coverage to be eligible for BadgerCare to six months except under certain circumstances. The bill also requires DHFS to request a second waiver to permit DHFS, prior to enrolling a family or child in BadgerCare, to verify whether the family or child has had access to employer-subsidized health care.

Under current law, DHFS certifies persons that meet certain criteria as MA providers and pays for services and items that MA recipients receive from the providers. Currently, DHFS is authorized or required to enforce numerous sanctions, including decertification or suspension from MA, against providers who fail to comply with MA requirements or to whom MA payments have been improperly or erroneously made or overpayments have been made. To implement these sanctions, DHFS must provide written notice, a fair hearing, and a written decision. Currently, fraud in applications for, rights to, and conversion of MA benefits or payments is prohibited. These prohibitions are punishable by fines and imprisonment. Also under current law, if a provider who is liable for repayment of improper or erroneous MA payments or overpayments sells or otherwise transfers ownership of his or her business, the seller and transferee are each liable for the repayment. The transferee must contact DHFS and ascertain whether the seller has an outstanding amount owing. DHFS may bring an action to compel payment against either the seller or transferee if a sale or other transfer occurs, and the amount has not been repaid.

This bill authorizes DHFS, after providing reasonable notice and the opportunity for a hearing, to charge a fee to an MA provider that has repeatedly been subject to recoveries of MA payments because of the provider's failure to follow billing procedures or to follow other MA requirements. The fee must be used to defray the costs of audits and investigations by DHFS of federal medicaid or MA violations and to verify that services have been provided and the appropriateness and accuracy of reimbursement claims. The fee may not exceed \$1,000 or 200% of the amount of any recovery, whichever is greater. The bill permits DHFS to recover any part of such a fee that is not timely paid by offsetting the fee against any MA payment owed to the provider. Failure to timely pay a fee is grounds for MA decertification.

The bill authorizes DHFS to require certain MA providers, as a condition of certification, to file with DHFS a surety bond, payable to DHFS, that would reasonably pay the amount of a recovery and DHFS's costs to pursue recovery of overpayments or to investigate and pursue allegations of false claims or statements. The bill also authorizes DHFS to limit the number of providers of particular services that may receive MA certification or limit the amount of resources, including employees and equipment, that a certified provider may use to provide MA services and items.

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The bill changes numerous provisions relating to procedures for the recovery by DHFS of MA overpayments or improper or erroneous payments, including all of the following:

1. Hearing requirements are eliminated and, instead, a provider has the opportunity to present information and argument to DHFS staff.
2. A deadline for the payment of recoveries is established, and payment of interest on delinquent amounts is required.

The bill eliminates DHFS's general authority to suspend a provider, but instead authorizes DHFS, if certain criteria are met, to suspend certification for a provider pending a hearing on whether the provider must be decertified for violation of federal or state laws.

The bill requires providers to allow DHFS access to provider records and specifies that a provider's failure to provide access constitutes grounds for decertification.

With respect to liability for repayment of improper or erroneous payments or overpayments of a provider who sells or transfers ownership of his or her business, the bill eliminates provisions that confer liability on both the transferor and the transferee. Under the bill, before a person may take over the operation of an MA provider, the person must obtain MA certification with respect to the provider's operation, regardless of whether the person is currently certified. Also, before a person may take over the operation of an MA provider that is liable for repayment of improper or erroneous MA payments or overpayments, full repayment must be made. Upon request, DHFS must notify the person or provider as to whether the provider is liable. If, notwithstanding the prohibition, the person takes over the provider's operation, and the outstanding repayment is not made, DHFS may withhold certification from the person and may proceed against the provider or person. If the repayment is not paid in full within 30 days after DHFS provides notice to the certified provider, DHFS may bring an action to compel payment, to decertify a provider, or to do both.

Under current law, DHFS receives federal funding to conduct a breast and cervical cancer early detection program. This program provides individuals with breast and cervical cancer screening, referrals, education, and outreach. This bill expands MA to provide MA to women who are under the age of 65, who require treatment for breast or cervical cancer, who have been screened for breast or cervical cancer under the breast and cervical cancer early detection program, and who are not otherwise eligible for MA or any other health care coverage.

Currently, the long-term support Community Options Program (COP) provides functionality assessments of, and home and community-based care to, among others, elderly and disabled persons as an alternative to institutionalized care. One part of COP (often referred to as COP-Regular) is funded by state general purpose revenues and the other part (often referred to as COP-Waiver) is funded jointly by federal medicaid and state MA moneys under a waiver of federal medicaid laws. Also under MA under a waiver of federal medicaid laws, a Community

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Integration Program (often referred to as CIP II) provides home and community-based services and continuity of care for persons relocated from institutions, other than the state centers for the developmentally disabled, and for persons who meet requirements for MA reimbursement in nursing homes.

Currently, funds under COP-Waiver and CIP II may not be used to provide services in a C-BRF that has more than four beds unless the C-BRF has five to eight beds and DHFS approves the C-BRF. This bill changes restrictions on the use of COP-Waiver and CIP II funds for providing services in a C-BRF to permit use of the funds in a C-BRF that has five to 20 beds if DHFS approves.

Currently, DHFS operates three Community Integration Programs (CIPs) as part of MA. These programs provide home and community-based services to individuals who are relocated from institutions such as state centers for the developmentally disabled or nursing homes, or who meet the criteria for reimbursement under MA for nursing home care. DHFS also administers the Family Support Program, which provides assistance, including home and community-based services, to families with a disabled child, and a program that provides early intervention services to certain eligible children. These two programs are not part of MA and are funded with GPR.

This bill requires DHFS to request a waiver of federal medicaid laws from the federal department of health and human services to provide to disabled individuals who are under 24 years of age, under one program, with unified administration and service delivery, the services offered under COP-Waiver, CIPs, the Family Support Program, and the Early Intervention Program. If DHFS receives the waiver, DHFS must seek enactment of legislation to implement the waiver within the limits of available federal, state, and county funds.

Under current law, an individual who meets the requirements under one of the following categories is eligible for MA:

1. AFDC-MA. This category includes individuals who meet the income, asset, and non-financial requirements for the federal Aid to Families with Dependent Children (AFDC) Program that were in effect on July 16, 1996. Generally, individuals who meet the AFDC requirements are certain children under 19 years of age, their caretaker relatives, and pregnant women in the eighth or ninth month of pregnancy.

2. AFDC-related MA. This category includes individuals who meet the income and asset requirements of the AFDC program that were in effect on July 16, 1996, but who would not have received an AFDC payment and who are either children under 19 years of age, their caretaker relatives, or pregnant. Also eligible under this category are children under the age of 18 and pregnant women whose incomes do not exceed 133.33% of the maximum payment under the AFDC program, and whose assets do not exceed certain asset limits.

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This bill eliminates the asset requirements for the AFDC-MA and AFDC-related MA categories so that an individual who meets the other requirements under one of those categories is eligible for MA.

Under current law, DHFS excludes certain assets when determining whether certain individuals meet the specific asset limits to qualify for MA. One of the assets that is excluded is up to \$2,500 in an irrevocable burial trust. This bill increases the amount of such assets that are excluded to \$3,300 on January 1, 2003.

Currently, DHFS is required to recover the following from the estate of an MA recipient who is not survived by a spouse or a child who is under 21 or disabled:

1. The amount of MA paid on behalf of the recipient while the recipient resided in a hospital and was required to contribute to the cost of care or resided in a nursing home.

2. The amount of MA paid on behalf of a recipient after the recipient reached age 55 for home-based or community-based services, community-supported living, personal care services, or hospital and prescription drug services.

This bill expands the types of services that are subject to the Estate Recovery Program to include all health care services for which MA was paid on behalf of a recipient after the recipient reached age 55. The bill requires that, if these health care services were provided by a managed care organization, under the Program of All-Inclusive Care for the Elderly (PACE) that provides health and social services to low-income elderly individuals at home, or under the Wisconsin Partnership Program, which provides health care and long-term care services to low-income elderly and disabled individuals, DHFS must calculate the amount of MA as the capitation rate that was paid on behalf of the recipient. If the health care services were provided under the Family Care Program, DHFS must calculate the amount of MA as the cost of the health care services that were paid for with MA. For all other services provided, DHFS is required to calculate the amount of MA on a fee-for-service basis.

Under current law, to recover the amount of MA paid on behalf of MA recipients, DHFS may place a lien on the home of a recipient under certain circumstances. This bill authorizes DHFS to place a lien on any other real property in which an MA recipient has an interest if DHFS may currently place a lien on the recipient's home.

Under current law, medicare part A and part B beneficiaries who are MA recipients with incomes at or below 100% of the federal poverty line or who are elderly or disabled persons with low incomes and resources receive payment for medicare deductible and coinsurance amounts, monthly medicare premiums, and, if applicable, late enrollment penalties for medicare part A premiums. (Medicare part A provides inpatient hospital coverage for persons who are aged 65 or disabled, and medicare part B provides coverage for outpatient services for those persons.) MA recipients whose incomes are above 100% of the federal poverty line receive MA payment of medicare deductible and coinsurance amounts; if they are beneficiaries

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of only medicare part A or part B, they receive MA payment of the applicable medicare part A or part B deductible and coinsurance amounts. However, for all of these MA recipients, MA payment for the coinsurance for a service under medicare part B may not exceed the allowable charge for the service under MA minus the medicare payment amount.

Under this bill, MA recipients and elderly or disabled persons with low incomes and resources may receive MA payments for their coinsurance for medicare part B outpatient hospital services that exceed the MA allowable charge for the services. The bill requires that DHFS include in the state plan for MA a methodology for payment of the medicare part B outpatient hospital services coinsurance amounts.

Currently, one of the factors that determines the amounts paid to nursing homes for care provided to MA recipients is the variation in regional labor costs. This bill eliminates that factor.

Under current law, beginning July 1, 2000, DHFS must distribute state GPR and federal medicaid moneys as a supplemental payment to a hospital for which MA revenues were at least 8% of the hospital's total revenues in the most recent year before the year of distribution. This bill eliminates these supplemental payments.

HEALTH

Under current law, DHFS licenses, certifies, approves, or registers, and otherwise regulates numerous health care services providers, including hospitals, nursing homes, C-BRFs, adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices. Currently, the sanctions that DHFS may bring against those facilities or services that violate applicable standards of care or provisions of licensure, certification, approval, or registration include denial of licensure, issuance of departmental orders, required submittal of a plan of correction, assessment of forfeitures (civil penalties), suspension of admissions, imposition of conditional licensure, and suspension or revocation of licensure. Facilities or services on which sanctions are imposed may appeal the sanctions in hearings conducted by DOA. Decisions that result from these hearings are subject to judicial review.

With certain exceptions, this bill makes uniform the sanctions that DHFS may impose on hospitals, nursing homes, C-BRFs, licensed adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices that violate conditions of licensure, certification, approval, or registration or applicable standards of care. The bill specifies procedures for requesting a hearing to contest imposition of a sanction. The bill eliminates DHFS's authority to suspend a license, certification, approval, or registration. Under the bill, if DHFS provides a C-BRF, hospital, or home health agency with written notice of the grounds for a sanction, an explanation of the types of sanctions that DHFS may impose, and an explanation of the appeal process, DHFS may order that the C-BRF, hospital, or home health agency do any of the following: 1) if operating without a license or approval, cease operation; 2) terminate the employment of any person who

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operated or permitted operation of a C-BRF, hospital, or home health agency for which a license or approval was revoked; 3) stop violating a provision of licensure or approval; 4) for a C-BRF only, submit a plan of correction for violation of a provision of licensure or approval; 5) for a C-BRF only, implement and comply with a plan of correction that is approved or developed by DHFS; 6) for a nursing home, C-BRF, or hospital only, suspend new admissions until all violations are corrected; or 7) provide training in one or more specific areas for staff members. In addition, if DHFS provides the same type of written notice, DHFS may impose any of the following:

1. Except for nursing homes, a daily forfeiture of not less than \$10 nor more than \$2,000 for each violation, with each day of violation being a separate offense; the amount of the forfeiture and payment deadlines are specified by DHFS by rule.

2. Under specified circumstances, for all facilities or services, revocation of licensure, certification, approval, or registration.

The bill requires that licensed nursing homes, C-BRFs, and hospices, if they are in substantial noncompliance, as defined by DHFS by rule, with respect to applicable state or federal requirements, demonstrate that they are fit and qualified to operate.

Under current law, DHFS may, after meeting certain procedural requirements, issue a conditional license for up to one year to a nursing home and may revoke any outstanding license of the nursing home for certain violations of standards of care. This bill authorizes DHFS to issue a conditional license, certification, approval, or registration that is similar to a conditional approval of a nursing home, to any health care facility or service that violates standards of care or provisions of licensure.

Under current law, DHFS may issue provisional licenses for home health agencies, rural medical centers, and hospices that have not previously been licensed, that are not in operation at the time the application for licensure is made, or that are temporarily unable to comply with standards of care. DHFS also may issue probationary licenses for nursing homes and C-BRFs that have not previously been licensed and are not operating at the time the license application is made. This bill eliminates provisions relating to provisional licenses for rural medical centers, and, for home health agencies and hospices, changes the term "provisional" to "probationary." In addition, the bill decreases from 24 months to 12 months the period of validity of a hospice probationary license.

Currently, DHFS distributes funds to provide various services for persons with or at risk of contracting acquired immunodeficiency syndrome (AIDS). This bill also requires that DHFS provide funds for testing for and prevention of infections related to AIDS, including hepatitis C virus infection, on behalf of the persons who receive AIDS services.

Under current law, the governor may enter into an agreement with the federal Nuclear Regulatory Commission to discontinue certain federal licensing and related regulatory authority with respect to by-product material (certain radioactive material and the tailings or waste from ores processed for uranium or thorium), source material (any material except special nuclear material that contains a

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specified percentage of uranium or thorium), and special nuclear material (uranium enriched in specified isotopes and plutonium). Rules that DHFS must promulgate for by-product, source, and special nuclear material must be no less stringent than federal requirements.

This bill modifies the definition of "source material" to be uranium, thorium, or any combination of the two in any physical or chemical form, or ores that contain, by weight, 0.05% of uranium, thorium, or a combination of the two. The bill requires that DHFS's rules be compatible with federal requirements; however, the rules must also be in accordance with specific federal requirements relating to by-product material. The bill also authorizes DHFS to develop qualification, certification, training, and experience requirements and to recognize certification by another state or a nationally recognized organization that is substantially equivalent to the DHFS certification, for persons who operate radiation generating equipment; who utilize, store, transfer, transport, or possess radioactive materials; or who act as radiation safety consultants.

Currently, DHFS administers a breast cancer screening program that awards grants to hospitals and other organizations to provide breast cancer screening services to women who are 40 years of age or older. As part of this program, DHFS must expend \$20,000 annually to develop and provide media announcements and educational materials concerning the need for and availability of breast cancer screening services to women in areas served by the program.

DHFS also currently administers a low-income women health screening program that awards grants to applicants to provide health care screening, referral, follow-up, and patient education services to low-income, underinsured, and uninsured women.

This bill eliminates the requirement that DHFS expend at least \$20,000 in each fiscal year for developing and providing media announcements and educational materials under the breast cancer screening program. The bill requires DHFS to allocate \$20,000 for developing and providing media services and educational materials to promote both health care services available under the Low-Income Women Health Screening Program and to promote breast cancer screening services available under the breast cancer screening program.

Current law requires DHFS to expend under the federal Preventive Health Services Project Grant Program \$25,000 in each fiscal year for a state medical director for the state Emergency Medical Services (EMS) program. This bill eliminates this requirement.

WISCONSIN WORKS

Under current law, DWD administers the Wisconsin Works (W-2) Child Care Subsidy Program. Under this program, an individual who meets certain nonfinancial and financial eligibility requirements and who is the parent, foster parent, guardian, or kinship care relative of a child under the age of 13 or, if the child is disabled, under the age of 19, may be eligible for a child care subsidy if the

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individual needs child care to work or to pursue basic or technical college education. A kinship care relative is an individual who receives monthly payments under the Kinship Care Program. The Kinship Care Program provides monthly payments to individuals who are relatives of children and who provide care and maintenance for the children either temporarily (short-term kinship care relative) or on a more permanent basis (long-term kinship care relative).

Under this bill, if DWD determines that moneys allocated for the Child Care Subsidy Program are insufficient to provide the child care subsidy to all eligible individuals, DWD may develop a plan to limit participation in the Child Care Subsidy Program. If the secretary of administration approves the plan, DWD may implement it.

Under current law, to be eligible for the child care subsidy, a long-term kinship care relative must cooperate with child support enforcement efforts, provide DWD with any information that DWD requires, and assign to DWD any right the individual has to child or spousal support or maintenance. Short-term kinship care relatives are not required to meet these requirements. Under current law, a short-term kinship care relative is eligible for the child care subsidy if the child's biological or adoptive family has income that is at or below 200% of the federal poverty line while a long-term kinship care relative must have income that is at or below 185% of the federal poverty line to be eligible for the child care subsidy. Under this bill, the eligibility requirements for the child care subsidy that currently apply to short-term kinship care relatives apply to long-term kinship care relatives.

Under current law, DWD distributes federal funds to child care providers and counties for child care services that are provided to individuals who are eligible for the W-2 child care subsidy and to private nonprofit agencies that provide child care for children of migrant workers. Currently, the funds may not be used to cover the costs of child care services that are provided to a child by a person who resides with the child, unless a county determines that the child care is necessary because of a special health condition of the child.

The bill permits DWD to reimburse a W-2 agency (an entity that administers the W-2 program on behalf of DWD) for child care services that the W-2 agency provides to W-2 participants and applicants and prohibits the use of the funds for child care services that are provided for a child by the child's custodial parent, guardian, foster parent, treatment foster parent, legal custodian, or person acting in place of a parent, unless a county determines that the child care is necessary because of a special health condition of the child.

Under current law, DWD contracts with W-2 agencies to administer the W-2 program. Current law requires that these two-year contracts require the W-2 agency to establish a community steering committee that consists of at least 12 members but not more than 15 members. A community steering committee is responsible for advising W-2 agencies on employment and training activities, creating and encouraging others to create subsidized jobs for W-2 participants, identifying child care needs, improving child care access, and expanding the availability of child care.

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This bill eliminates the requirement that the community steering committee consist of a specified number of members. The bill also requires that a W-2 contract require the community steering committee to serve individuals who are receiving services under the federal Temporary Assistance for Needy Families (TANF) block grant program and to coordinate its services with a local workforce development board.

PUBLIC ASSISTANCE

Current law directs DWD to allocate specific amounts of moneys in each fiscal year, including federal moneys received under the TANF block grant program, for various public assistance programs. This bill eliminates the allocation for some of the programs, including start-up funding for W-2 contracts, the Passports for Youth Program, the Community Marriage Policy Project, and payments to the Wisconsin Trust Account Foundation for the provision of legal services to certain low-income individuals.

Under the bill, if the amounts of TANF moneys that are received from the federal government are less than the amounts of TANF moneys appropriated to DWD, DWD must submit a plan to the secretary of administration for reducing the amounts allocated for the public assistance programs. If the secretary approves the plan, DWD may reduce the amounts allocated.

Current law requires DWD to distribute a portion of the federal Child Care Development Block Grant (CCDBG) funds to provide various child care services and grant programs, including technical assistance to child care providers, grants for the start-up and expansion of child day care services, and grants for improving the quality of care standards. This bill requires DWD also to distribute CCDBG funds as grants to local governments and tribal governing bodies for programs to improve the quality of child care.

Under current law, DWD awards grants of up to \$500 to eligible individuals for the costs of tuition, books, transportation, or other direct costs of training or education in a vocational or educational program. As a condition of eligibility for a grant, an individual's income may not exceed 165% of the federal poverty line and the individual must contribute matching funds equal to the amount of the grant. The total amount of all grants awarded to an individual may not exceed \$500. This bill increases the maximum income level for eligibility for an employment skills advancement grant to 185% of the federal poverty line, reduces the amount of matching funds that an individual must contribute to 50% of the amount of the grant, and increases the maximum amount of all grants that an individual may receive to \$1,000.

Under current law, DWD contracts with counties and W-2 agencies to administer a work experience program for noncustodial parents, commonly referred to as the Children First Program. Under the program, counties and W-2 agencies provide work experience, job training, and job search assistance to noncustodial

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parents (parents who do not live with their children for substantial periods) who are required to participate in the program because they failed to pay court-ordered child support or to meet their child's needs for support because of unemployment or underemployment. Current law requires DWD to pay the county or W-2 agency administering the program \$400 for each noncustodial parent who participates in the program.

This bill authorizes DWD to contract with elected tribal governing bodies of federally recognized American Indian tribes or bands to administer the Children First Program. The bill also changes the amount that DWD is required to pay to each county, W-2 agency, or tribal governing body for each noncustodial parent who participates in the program from \$400 to an amount that is not more than \$400.

Under current law, DHFS provides aid to eligible individuals to cover the costs of medical care for kidney disease, cystic fibrosis, and hemophilia. An individual who is eligible to receive aid, but whose income exceeds income limits established by DHFS, is required to expend certain amounts of his or her income, determined according to a sliding scale developed by DHFS, for the medical care before he or she may receive aid. Every three years, DHFS is required to review and, if necessary, revise the sliding scale to ensure that the needs of patients with lower incomes receive priority for aid. This bill requires DHFS to revise the sliding scale as necessary, rather than every three years, to ensure that the needs of patients with lower incomes receive priority for aid.

Under current law, DHFS awards grants for the provision of alcohol and other drug abuse treatment services in Milwaukee County to individuals who are eligible for TANF and have family incomes that do not exceed 200% of the federal poverty line. This bill permits these grants to be provided throughout the state.

Under current law, county departments of community programs (county departments) are required, within the limits of federal, state, and county funds, to provide to individuals who suffer from mental disabilities, including mental illness, developmental disabilities, alcoholism, or drug abuse, a variety of health care services related to mental illness, developmental disabilities, alcoholism, and drug abuse. The health care services provided include diagnostic and evaluation services, inpatient and outpatient care and treatment services, and supportive transitional services. Under current law, if federal, state, and county funds for the alcohol and other drug abuse services are not sufficient to meet the needs of all individuals who are eligible for the services, the county departments must give first priority for the services to any pregnant woman who suffers from alcoholism or alcohol abuse or who is drug dependent.

Under this bill, county departments are required to give second priority for alcohol and other drug abuse services to independent foster care adolescents. An independent foster care adolescent is an individual who is at least 18 but under 21 years of age and was in foster care on his or her 18th birthday. If state, federal, and county funds for mental health services are insufficient to meet the needs of all

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individuals eligible for mental health services, the bill requires the county departments to give first priority for the services to independent foster care adolescents.

CHILDREN

Under current law, DHFS, DPI, and DWD administer various programs for children. This bill creates a children's cabinet board consisting of the governor, the state superintendent of public instruction, the secretary of administration, the secretary of health and family services, and the secretary of workforce development, that is attached to the office of the governor for administrative purposes. The bill directs the board to make recommendations to the governor and the legislature relating to changes needed in state programs, policies, and funding levels to improve the coordination among state agencies of programs for children and to streamline the delivery of those programs. The bill also directs the board to award grants to local consortia (combinations of individuals, public agencies, nonprofit corporations, for-profit organizations, federally recognized American Indian tribes or bands, or other persons) to develop models for the delivery of programs for children who are at risk of not being ready to learn when they enter kindergarten or who are at risk of facing barriers to learning while in school (at-risk children). The models must be designed to create closer links between school districts, human service providers, and other community-based providers of programs for children; to enable at-risk children to be ready to learn when they enter kindergarten or to overcome the barriers to learning that they face while in school; to focus on providing services on a voluntary basis to children under five years of age and their families, but also to provide services to children and their families, as needed, throughout the elementary and high school grades; and to meet certain performance measures prescribed by the board.

Under current law, the juvenile court may designate an out-of-home placement for a child who is within the jurisdiction of the juvenile court. The state receives federal foster care and adoption assistance funding under Title IV-E of the federal Social Security Act (generally referred to as IV-E funds) in reimbursement of moneys expended to provide care for children in out-of-home placements. Recently, however, the federal government changed its regulations relating to eligibility for IV-E funds to provide that IV-E funds are not available when a court orders a child to be placed in a specific out-of-home placement, except that those funds are available when a court orders a child to be placed in a specific out-of-home placement recommended by the agency primarily responsible for providing services for the child (agency) or when a court, after considering the evidence presented by the agency and all parties relating to a child's placement, orders the child to be placed in a specific out-of-home placement other than a placement recommended by the agency.

This bill requires an order of the juvenile court placing a child outside the home in a placement recommended by the agency to include a statement that the juvenile court approves the placement recommended by the agency and an order of the

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juvenile court placing a child outside the home in a placement other than a placement recommended by the agency to include a statement that the juvenile court has given bona fide consideration to the recommendations made by the agency and all parties relating to the child's placement.

Under current law, the juvenile court may appoint a relative of a child as the guardian of the child if the juvenile court makes certain findings, including a finding that the child has been adjudged to be in need of protection or services and has been placed outside of his or her home under an order of the juvenile court for one year or longer. This bill permits any person, not just a relative, to be appointed as the guardian of a child who has been adjudged to be in need of protection or services. The bill also eliminates that one-year waiting period and permits a child who has been adjudged to be in need of protection or services or whose parents' parental rights to the child have been terminated to be placed directly in the home of a guardian without first having been placed in another out-of-home placement.

Currently, a relative who is appointed as the guardian of a child in need of protection or services and who meets certain other requirements is eligible to receive long-term kinship care payments of \$215 per month for providing care and maintenance for the child. This bill permits a person who is appointed as the guardian for a child in need of protection or service, who was the licensed foster or treatment foster parent of the child before that appointment, and who is a resident of Milwaukee County to receive monthly subsidized guardianship payments in an amount established by DHFS based on the average amount of general purpose revenues expended per child in foster care in Milwaukee County in state fiscal year 2000-01 if the child is 12 years of age or over and any of the following applies: 1) the child has been placed outside of his or her home for 15 of the most recent 22 months; 2) the parental rights of the child's parents have been terminated; 3) the juvenile court has found that reunification of the child with the child's parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child. The bill also permits those payments to be made to such a guardian if the child does not meet any of those conditions, but DHFS has determined that providing subsidized guardianship payments to the guardian is in the best interests of the child and the juvenile court has confirmed that determination. The bill also requires DHFS to request from the federal department of health and human services a waiver of the requirements under Title IV-E of the federal Social Security Act that would authorize the state to receive IV-E funds for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster or treatment foster parent before the guardianship appointment and to provide monthly subsidized guardianship payments to the guardian according to the terms of the waiver.

Under current law, for each child living in a foster home, treatment foster home, group home, child caring institution, secure detention facility, or shelter care facility, whether under a voluntary agreement or under an order of the juvenile court, the

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agency that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child under the juvenile court order must prepare a written permanency plan, which is a plan designed to ensure that a child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability. This bill requires a permanency plan to be prepared for a child who, under a juvenile court order, is living in the home of a relative.

Under current law, on the request of a grandparent in whose home a grandchild whose parent is under 18 years of age is placed, whether under a voluntary agreement or under a juvenile court order, DHFS, a county department of human services or social services (county department), or a licensed child welfare agency may license that grandparent as the grandchild's foster or treatment foster parent. This bill requires, rather than authorizes, DHFS, a county department, or a licensed child welfare agency to license such a grandparent as the grandchild's foster or treatment foster parent on the request of the grandparent. Similarly, on the request of a guardian in whose home a minor ward is placed under a juvenile court order, DHFS, a county department, or a licensed child welfare agency may license that guardian as the ward's foster or treatment foster parent. This bill requires, rather than authorizes, DHFS, a county department, or a licensed child welfare agency to license such a guardian as the ward's foster or treatment foster parent on the request of the guardian.

Under current law, certain relatives of a child who provide care and maintenance for the child and who meet certain other conditions (kinship care relatives) are eligible for a payment of \$215 per month under the Kinship Care Program. Those conditions include a condition that the county department or, in Milwaukee County, DHFS must conduct a background investigation of the kinship care relative, any employee or prospective employee of the kinship care relative who has or would have regular contact with the child, and any adult resident of the kinship care relative's home and the investigation must indicate that the kinship care relative, employee, prospective employee, or adult resident does not have any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child. Currently, a kinship care relative who is denied kinship care payments, or who is prohibited from employing a person or permitting a person to reside in the kinship care relative's home, based on an arrest or conviction record may request the director of the county department or, in Milwaukee County, a person designated by the secretary of health and family services to review that denial. That review procedure expires on the effective date of the 2001-03 biennial budget act. This bill eliminates that expiration date.

Under current law, if the parental rights of all living parents of a child are terminated or if a child has no living parents, the juvenile court may transfer guardianship of the child to DHFS, which is then responsible for securing the adoption of the child. If a permanent adoptive placement is not in progress two years after entry of the termination of parental rights (TPR) or guardianship order, DHFS

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may petition the juvenile court to transfer legal custody of the child to a county department, but DHFS remains the guardian of the child. This bill shortens that time frame to one year after entry of the TPR or guardianship order. The bill also authorizes DHFS to petition the juvenile court to transfer guardianship of such a child to a county department that is authorized to accept guardianship of children.

Similarly, under current law, an American Indian tribal court in this state may appoint DHFS as guardian or legal custodian of a child who has no parents, or whose parents' parental rights to the child have been terminated by the tribal court, for the purpose of making an adoptive placement for the child. If a permanent adoptive placement is not in progress two years after entry of the TPR or guardianship order, DHFS may petition the tribal court to transfer legal custody or guardianship of the child back to the tribe. This bill shortens that time frame to one year after entry of the TPR or guardianship order.

Under current law, a person 21 years of age or older whose birth parents' parental rights have been terminated, or who has been adopted, in this state may request DHFS to provide the person with a copy of the person's original birth certificate and with the identity and location of the person's birth parents. If the person's birth parent has not filed an affidavit authorizing DHFS to disclose the person's original birth certificate or the identity and location of the birth parent, DHFS or a county department or a child welfare agency under contract with DHFS must conduct a search for the birth parent to inform the birth parent that he or she may file an affidavit authorizing that disclosure. This bill eliminates the authority of DHFS to conduct those searches or to contract with a county department or a child welfare agency to conduct those searches. Instead, the bill permits DHFS to license a child welfare agency to conduct those searches.

Under current law, DHFS, a county department, or a child welfare agency may charge a reasonable fee for the cost of conducting a search for a person's birth parents, but may not charge a fee in excess of \$100 unless the person gives consent to proceed with the search. Similarly, a person requesting access to medical and genetic information about a person or the person's birth parents must pay a fee based on ability to pay, but not to exceed \$150, for the cost of locating, verifying, purging, summarizing, copying, and mailing that information. This bill eliminates those fee caps.

Current law requires DHFS to pay claims not payable by other insurance for bodily injury or property damage sustained by a foster, treatment foster, or family-operated group home parent (parent) or a member of the parent's family as a result of an act of a child placed in the parent's care. Current law also permits DHFS to pay claims not covered by other insurance for acts or omissions of a parent that result in bodily injury to a child placed in the parent's care or that form the basis for a civil action for damages against the parent, and for bodily injury or property damage that is caused by an act or omission of a child who is placed in the parent's care and for which the parent becomes legally liable. Currently, the amount of those

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claims that DHFS may approve in a fiscal year is subject to a \$200 deductible. This bill lowers that deductible amount to \$100.

Under current law, DHFS distributes IV-E funds as community aids to counties to provide social services to children and families. If on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount that exceeds the amount of IV-E funds allocated as community aids in that year (excess IV-E funds), DHFS must carry forward to the next year those excess IV-E funds and distribute not less than 50% of those excess IV-E funds to counties other than Milwaukee County that are making a good faith effort to implement the statewide automated child welfare information system (generally referred to as "WISACWIS") for services and projects to assist children and families. Currently, a county is required to use not less than 50% of the excess IV-E funds distributed to that county for services and projects to assist children and families. This bill permits a county, in the year in which the county implements WISACWIS and in the two succeeding years, to use 100% of the excess IV-E funds distributed to that county to reimburse DHFS for the costs of implementing WISACWIS.

Under current law, the child abuse and neglect prevention board (CANPB) may expend the interest earned on, but not the principal of, moneys received from the sale of "Celebrate Children" license plates to award grants for child abuse and neglect prevention programs, early childhood family education centers, and Right From the Start projects; to administer statewide child abuse and neglect prevention projects; and to pay for the operating costs of CANPB. This bill permits CANPB to expend 50% of the moneys received from the sale of those license plates, and all interest earned on those moneys received, to award the grants, administer the projects, and pay for its operating costs.

FAMILY CARE

Under family care, a program of financial assistance in providing long-term care and support items, persons are entitled to (will receive) a benefit if they are at least 18 years of age, have physical disabilities or infirmities of aging, meet financial criteria, and fulfill any applicable cost-sharing requirements. They must also meet any of several criteria related to functionality, eligibility for MA, the need for protective services or protective placement, and the existence of chronic or terminal conditions. Other persons may be eligible for, but are not necessarily entitled to, the family care benefit if they are at least 18 years of age, have physical disabilities or infirmities of aging, meet financial criteria, fulfill any applicable cost-sharing requirements, and meet any of several criteria relating to functionality. DHFS is authorized to determine the date on which these functionality criteria first apply to applicants for the family care benefit who are not MA recipients, but the date may not be later than July 1, 2000. Persons with developmental disabilities in a county in which family care initially was provided before July 1, 2001, are both eligible and entitled. One of the criteria for functionality for both entitled and eligible persons is that the person have a condition that is expected to last at least 90 days or result

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in death within 12 months after the date of application and, on the date that the family care benefit became available in the person's county of residence, the person was a nursing home resident or had been receiving care under long-term MA, the Alzheimer's Family Caregiver Support Program, community aids, or county funding.

This bill applies the family care functionality criterion that relates to a chronic or terminal condition to eligible persons who *do not meet* other functionality criteria. The bill requires that a person seeking a determination of functional eligibility under the criterion first apply for eligibility for the family care benefit within 36 months after the date on which the family care benefit is initially available in the person's county of residence. Further, for persons who are entitled to the family care benefit, the bill creates a criterion that is similar but under which a person qualifies only if he or she *does meet* another specific functionality criterion. The bill changes provisions concerning persons with developmental disability, so that a person who is 18 years of age, has a primary disabling condition of developmental disability, and meets financial and functionality criteria is both eligible for and entitled to the family care benefit if the person is a resident of a county in which family care was initially provided before July 1, 2003.

The bill changes the latest date that DHFS may determine for beginning to apply functionality criteria under the Family Care Program to family care benefit applicants who are not MA recipients. Under the bill, the date must be not later than January 1, 2004, but, before the determined date, persons who are not eligible for MA may receive the family care benefit within the limits of state funds appropriated for this purpose and available federal funds.

Currently, DHFS may contract with various entities to operate family care resource centers, which provide, among other things, determinations of family care eligibility and information and referral services. If the secretary of health and family services certifies that a family care resource center is available in a county, adult family homes, residential care apartment complexes, C-BRFs, and nursing homes in the county must, unless certain exceptions apply, refer persons who are at least 65 years of age who or have physical disabilities that are expected to last at least 90 days to the resource center for services and determinations of family care and other program eligibility. In addition, nursing homes must so refer persons with developmental disability.

Currently, a family care resource center in a county must, within six months after the family care benefit is available to all eligible persons in the resource center's area, provide information about the family care benefit and family care services to all older persons and persons with physical disabilities who reside in facilities in the area, must provide a functional and financial screening to those residents and to certain persons who are seeking admission to a facility, and must provide access for eligible persons to protective services or protective placement or elder abuse services.

This bill requires that DHFS ensure that family care benefit and family care services information, functional and financial screenings, and access for eligible persons to protective services or protective placement and elder abuse services are

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provided, rather than requiring that a family care resource center provide these. Also, under the bill, persons who are residents of certain facilities and are members of a target population served by a care management organization in the county must receive this information.

Currently, DHFS must promulgate rules requiring a hospital to refer to a family care resource center patients being discharged from the hospital who have developmental disability or a physical disability requiring long-term care for at least 90 days, or who are 65 years of age or older. The rules must specify that the requirement applies only if the secretary of health and family services has certified that a resource center is available for the hospital and for individuals that include the hospital's patients.

This bill eliminates the requirement that DHFS promulgate rules requiring a hospital to refer patients to a resource center. Instead, the bill requires that a resource center annually develop and provide to the local long-term care council for review a tentative plan for coordinating appropriate referrals of individuals who are discharged from hospitals in the area served by the resource center and who are likely to be eligible for family care benefits. The local long-term care council must review the tentative plan and provide to the resource center nonbinding plan recommendations for ensuring cooperation and coordination between the resource center and hospital. In turn, the resource center must consider the recommendations and cooperate with hospitals in the geographic area served by the resource center in developing and implementing the plan. Hospitals must participate in the plan development and implementation if the secretary of health and family services has certified that a resource center is available for the hospital and for individuals that include the hospital's patients.

The bill clarifies that adult family homes, residential care apartment complexes, and C-BRFs must refer persons with developmental disability to family care resource centers for services and determinations of family care and other program eligibility.

Currently, a county board of supervisors or, in a county with a county executive or county administrator, that person, may create a family care district (a special purpose district that is organized to operate a family care resource center or a care management organization, but not both). The county board of supervisors or county executive or county administrator also appoints the 15 members of the family care district board, which is the governing body for the family care district. If a county joins with one or more counties, the county board of supervisors of each county may create a family care district, with a 21-member board. The lengths of terms of the initial members of the family care district board are specified. Up to one-fourth of the members may be elected or appointed officials or employees of the county. Also, in each county that participates in family care, the county board must appoint a local long-term care council, which develops the initial county plan for the structure of the Family Care Program in that county.

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This bill permits a county board of supervisors or a county executive or county administrator to appoint only the initial members of a family care district board, and requires that both the proposed creation of a family care district and the proposed appointments to the family care district board be first reviewed and approved by the secretary of health and family services. This limitation also applies to the county boards of supervisors that join in creating a family care district. The local long-term care council must also review the proposed initial members of the family care district board and recommend to that secretary approval or disapproval of the proposed membership. The bill authorizes members of the family care district board, once initially appointed, to appoint successors to the board. The bill decreases the length of the terms of the initial members and limits to less than one-fourth of the membership the number of family care district board members who may be elected or appointed county officials or county employees.

Under current law, after the secretary of health and family services has certified that a family care resource center is available to provide family care services in a county, C-BRFs and residential care apartment complexes in that county must provide prospective residents with information about the family care benefit and services of the resource center and must refer certain persons to a resource center. In addition, C-BRFs must inform all prospective residents of the assessment requirements for the receipt of COP services and services under CIP II for persons who are relocated from certain institutions or who meet level-of-care requirements for MA.

This bill requires that, beginning on January 1, 2002, except in a county in which a resource center is available to provide family care services, a residential care apartment complex inform prospective residents of the services of the county aging unit, of the agency in the county that administers COP, and of conditions for eligibility for public funding for long-term care services. Also, except in such a county, a C-BRF must refer persons seeking admission to the C-BRF to the agency in the county that administers COP. The bill authorizes COP funding to be used for conducting preadmission consultations for persons seeking admission or about to be admitted to a C-BRF.

Under current law, the benefit under family care is funded from a number of sources, including federal and state moneys for those who are eligible for MA. Moneys that are received from the recovery of family care correctly paid benefit payments (commonly referred to as "estate recovery") are appropriated, in part, as payments to care management organizations to provide the family care benefit.

This bill appropriates moneys that are received as estate recovery from family care enrollees who are ineligible for MA to pay for administering the estate recovery and to pay care management organizations to provide the family care benefit. With respect to moneys that are received as estate recovery from family care enrollees who are eligible for MA, the bill appropriates those moneys as part of the state share of MA that is provided as the family care benefit.

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Under family care, a client may contest specified matters, including estate recovery and incorrectly paid benefit payments, by filing a written request for a hearing with the division of hearings and appeals in DOA. The client must file the request within 45 days of receiving notice of a decision in a contested matter or within 45 days of the failure by a resource center or care management organization under family care to act on the matter under time frames specified by DHFS. DHFS also must promulgate rules relating to estate recovery and the recovery of incorrectly paid family care benefits that are substantially similar to MA recovery provisions.

This bill changes the time by which a family care client may contest certain actions under family care to be within 45 days after the effective date of the action. Further, the bill eliminates recovery of family care benefit payments as a matter that may be contested within this time limitation.

Under current law, certain entities that may provide services that are similar to those provided by a home health agency (such as care management organizations, which operate under the Family Care Program for the provision of long-term care) are exempt from the home health agency requirements. This bill expands the exemptions from home health agency licensure and regulatory requirements to include an entity with which a care management organization contracts to provide services under the Family Care Program.

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS approves and otherwise regulates public and private treatment facilities for the provision of services for mental illness, developmental disability, and alcohol and other drug abuse. DHFS may, after notice and hearing, grant, suspend, revoke, or limit such an approval, and a court may restrain violations of conditions of approval or standards of care by treatment facilities; review denials, restrictions, or revocations of approval; and grant other enforcement relief.

This bill specifies sanctions that DHFS may impose on treatment facilities for violations of conditions of approval or standards of care; these sanctions are similar to those that DHFS may, under the bill, impose on facilities or services regulated by DHFS that provide medical care. Under the bill, if DHFS provides a treatment facility with written notice of the grounds for a sanction, an explanation of the types of sanctions that DHFS may impose, and an explanation of the appeal process, DHFS may impose any of the following:

1. A daily forfeiture (civil penalty) of not less than \$10 nor more than \$2,000 for each violation, with each day of violation being a separate offense; the amount of the forfeiture and payment deadlines are specified by DHFS by rule, based on the size of the treatment facility and the seriousness of the violation, and may be increased if there is continued failure to comply with a DHFS order.
2. Suspension of approval.
3. Under specified circumstances, revocation of approval.

The bill specifies procedures for requesting a hearing to contest a forfeiture, suspension, or revocation.

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Currently, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when appropriate.

This bill authorizes DHFS to allow a center for the developmentally disabled to offer, when DHFS determines that community services need to be supplemented, short-term residential services, dental and mental health services, physical therapy, psychiatric and psychological services, general medical services, pharmacy services, and orthotics. These services may be provided only under a contract between DHFS and specified entities to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes or administrative rules that regulate facilities, govern certain mental health services, and provide mental health patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory, or rules provision that is most protective of the health, safety, welfare, or rights of the recipient of the services, as determined by the center for the developmentally disabled. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town, or village ordinances, do not apply to provision of the services.

Currently, the state centers for the developmentally disabled must provide services for up to 36 persons with developmental disability who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors. This bill increases to up to 50 the number of persons with developmental disability and mental illness or extreme behaviors that the state centers for the developmentally disabled must serve.

Under current law, if a court during a trial for a criminal offense has reason to doubt the defendant's competency to proceed, the court must order the defendant to be examined, on an inpatient or outpatient basis, as determined by DHFS. For an inpatient examination, the court must arrange for the defendant's transportation to and from the examining facility. Also under current law, a county department of community programs may not reimburse a state institution for care provided by the institution to certain persons, including criminal defendants who are ordered to be examined by mental health institutes for competency to undergo trial.

This bill requires that, for a defendant in a criminal trial who has been ordered to receive an examination for mental competency to undergo trial, the sheriff of the defendant's county of residence must transport the defendant to and from the examining facility. The bill requires that a county department of community programs reimburse a mental health institute at the institute's daily rate for all days of custody of a county resident who is examined for competency to proceed in a criminal trial, beginning 48 hours (excluding Saturdays, Sundays, and legal holidays) after the sheriff and county department receive notice that the examination has been completed.

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Under current law, DHFS must distribute not more than \$350,000 in federal funds in each fiscal year to counties to assist in relocating individuals with mental illness from institutional or residential care to less restrictive and more cost-effective community settings and services.

This bill eliminates the limitation on federal funding; reduces from five years to three years the maximum grant period; permits the grants to be made to entities other than counties; and requires that the funds be used for recovery-oriented mental health system changes, prevention and early intervention strategies, and consumer and family involvement. The bill requires that community services developed under a grant be continued following grant termination by use of savings made available from incorporating recovery, prevention and early intervention strategies, and consumer and family involvement in the services, rather than by use of funding made available from reduced use of institutional and residential care.

OTHER HEALTH AND HUMAN SERVICES

Under current law, the state registrar or local registrars (the county registers of deeds or city registrars) may publish in a public index information from a birth certificate that is not changed or impounded concerning the name, sex, date and place of birth, and parents' names for a person whose mother was unmarried for the period from the child's conception to birth. This bill limits the information that may be filed in public indexes of marriage documents or of certificates of birth, death, divorce, or annulment to the registrant's full name, date of the event, county of occurrence, county of residence, and, at the discretion of the state registrar, the file number. Further, under the bill, for births that occur after September 30, 1907, certificate of birth index information may be copied or reproduced for the public only if 100 years have elapsed since the birth. Indexes of certificates of death, divorce, or annulment may be copied or reproduced for the public after 24 months from the year in which the event occurred, but certain information on the certificate of death itself may not be inspected by or disclosed to anyone for 50 years after the date of death, except to a person who has a direct and tangible interest in the death.

Current law specifies procedures by which the state registrar may, without a court order, change incorrect information or insert omitted information on a vital record or must, under a court order, make those changes. Current law also requires that a certificate of birth for every birth in this state be filed within five days after the birth in the registration district in which the birth occurs. This bill specifies procedures for the state or a local registrar to follow in recording changed information on a vital record, including special procedures the state registrar, under a court order, must use to correct facts misrepresented by an informant for a certificate of birth. The bill prohibits the state registrar from making changes on a birth certificate, without a court order, to add or delete the name of a parent or change the identity of a parent. The bill requires that the state registrar, rather than the local registrar, register births.

Currently, a funeral director, a member of a decedent's immediate family, or a person authorized to dispose of unclaimed corpses or anatomically to study donated bodies who moves a corpse must, within 24 hours after the death, file certain

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information on a death certificate. The funeral director, family member, or person must forward the certificate to the decedent's attending physician or, for certain deaths (for example, homicides), to a coroner or medical examiner to provide a description of the cause of death on a separate medical certification section on the death certificate. This bill requires that, beginning January 1, 2003, a certificate of death consist of three parts that contain: 1) fact-of-death information (the name and other identifiers of the decedent, including the decedent's social security number; the date, time, and place that the decedent was pronounced dead; the manner of death; the identity of the person certifying the death; and the dates of certification and filing of the death certificate); 2) extended fact-of-death information (all the previous information, plus injury-related data and information on final disposition and cause of death); 3) statistical-only information (all other information that is collected on the standard death record form recommended by the federal agency responsible for national vital statistics and other data, as directed by the state registrar, including race, educational background, and health-risk behavior).

Under current law, the state or a local registrar must collect specified fees for issuing various documents and for making alterations administratively and as ordered by a court. This bill increases the amounts that the state registrar or a local registrar may charge as fees for issuing an additional certified copy of a vital record. The bill authorizes charging for issuing additional copies of uncertified vital records and for expedited service in issuing a vital record. The bill clarifies that fees must be charged for making any change that is court ordered, that is administrative, or that is a rescission of a statement acknowledging paternity. The bill also authorizes charging a reasonable fee for providing searches of vital records and copies of vital records to state agencies for program use.

Under current law, after persons apply for a marriage license, a county clerk who receives the sworn statement of either of the applicants must correct erroneous, false, or insufficient statements in the marriage license or in the application and must show the corrected statement to the other applicant. This bill changes this procedure to require a county clerk who is notified in writing by a marriage applicant that information provided for the license is erroneous to notify the other applicant as soon as reasonably possible and, if the marriage license has not been issued, to prepare a new license with the correct information entered; if the marriage license has been issued, the clerk must immediately send a letter of correction to the state registrar. Also, under the bill, if the clerk discovers that correct information has been entered erroneously on the marriage license, he or she must prepare a new license if the marriage license has not been issued, or must immediately send a letter of correction to the state registrar to amend the erroneous information if the marriage license has been issued.

Under current law, the marriage document must contain the social security number of each party, as well as any other informational items that DHFS determines are necessary. This bill requires that the marriage document consist of the marriage license and the marriage license worksheet, and that the latter contain the social security number and other information items determined by DHFS to be

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necessary and to agree in the main with the standard form recommended by the federal agency responsible for national vital statistics.

Currently, following a paternity action, the court must notify the state registrar of necessary changes to the child's birth certificate that result from the paternity action. This bill authorizes the county child support agency also to so notify the state registrar.

Currently, "vital records" means certificates of birth, death, divorce, or annulment, marriage documents, and related data. This bill expands the definition of "vital records" to include worksheets or electronic transmissions that use forms of electronic file formats that are approved by the state registrar and related to birth, death, divorce, or annulment certificates or marriage documents.

Under current law, DHFS must collect health care information from health care providers, including physicians, hospitals, and ambulatory surgery centers, and must analyze and disseminate that information in the form of standard reports, public use data files, and custom-designed reports. DHFS may release only those public use data files that do not permit the identification of specific patients, employers, or health care providers. DHFS must also prohibit purchasers of data from rereleasing individual data elements of health care data files. This bill eliminates the latter requirement.

Current law requires DHFS to develop and submit various reports and plans to other state agencies, the governor, or the legislature. This bill permits, rather than requires, DHFS to submit the following:

1. Annually, a plan to address hunger in the state and to relieve hunger in populations currently experiencing hunger to the governor, the state superintendent of public instruction, and the legislature.
2. Annually, a report on the expenditure of funds for providing primary health services and mental health services to homeless individuals to the legislature.
3. A plan for developmental disability services in the state, and biennial updates to the plan, to the governor, standing committees of the legislature with jurisdiction over developmental disability issues, and JCF.
4. A report on DHFS's progress in implementing an early intervention services program to the legislature.
5. A report on DHFS's activities relating to the treatment of alcoholism to the governor.

Under current law, before DOA may approve any payments to counties for providing supportive, personal, or nursing services to individuals who reside in a certified residential care apartment complex, DHFS must submit an annual report on the statewide medical assistance daily cost of nursing home care to DOA for review and approval. If DOA approves the report, DOA may make the payments to counties. This bill makes submission of the report optional and eliminates the requirement that DOA approve the report before DOA may make the payments to counties.

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Current law requires the council on physical disabilities to submit to the legislature recommendations on matters relating to physically disabled individuals and requires the council on mental health to submit to DHFS, the governor, and the legislature policy recommendations in the area of mental health. The bill permits, rather than requires, the council on physical disabilities and the council on mental health to submit the reports.

Under current law, DWD collects and distributes all moneys received for child or family support and maintenance (formerly called alimony). If amounts received cannot be distributed, such as when a payee has not notified DWD of a new address, or if amounts received are distributed but go unclaimed, such as when a check that is sent to a payee is not cashed within one year of the check's issuance, those amounts are considered to be abandoned or unclaimed property. DWD must deliver to the state treasurer those funds that remain unclaimed after public notice. The state treasurer deposits all abandoned or unclaimed property in the school fund, and anyone claiming an interest in abandoned or unclaimed property may file a claim with the state treasurer to obtain the property.

Under this bill, DWD may retain to pay for its own expenses in administering the child support program all amounts received for support that cannot be distributed or that are not claimed by payees. At least quarterly, DWD must reimburse the state treasurer for the state treasurer's administrative expenses, and for any claims that are paid, with respect to that property.

Under current law, if a person owes an outstanding amount for past child or family support or for medical or birth expenses, or is delinquent in making court-ordered child or family support or maintenance payments, the amount that the person owes may be withheld from any state income tax refund or credit owed to the person. Also under current law, if a court orders a person to pay child or family support or maintenance, the court must order the person to pay to DWD an annual receiving and disbursing fee (R&D fee) of \$25, in every year for which maintenance, child support, or family support payments are ordered, to pay for DWD's costs associated with receiving and disbursing the maintenance, child support, or family support and maintaining a record of the receipts and disbursements.

This bill increases the R&D fee to \$35, beginning with R&D fees payable in 2002, and provides that a person paying the R&D fee must pay it not only in every year for which maintenance, child support, or family support payments are ordered but also in every year in which the person owes an arrearage in any of those payments. The bill provides that, if a person is delinquent in paying the R&D fee, the delinquent amount may be withheld from any state income tax refund or credit owed to the person upon certification of the delinquency by DWD to DOR. Before the refund or credit may be withheld, however, the person is entitled to a court hearing on whether he or she owes the amount that DWD certified to DOR. The bill also requires DWD to study what it would cost DWD to operate the statewide receipt and

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disbursement system, which is currently operated by a private party under contract with, and paid by, DWD.

Current law permits a nonprofit corporation that contracts with DHFS to provide social services on the basis of a unit rate per service provided to retain a certain percentage of any surplus that is generated by those services, and to use that retained surplus to cover any deficit incurred in any preceding or future contract period or to address the programmatic needs of its clients. This bill permits a county department that contracts with DHFS to provide social services on that basis to retain any surplus generated by those services provided and to use that retained surplus in the same way that a nonprofit corporation is permitted to retain and use such a surplus under current law. The bill, however, prohibits a county department or a nonprofit corporation providing social services in Milwaukee County from retaining a surplus from revenues that are used to meet the maintenance-of-effort requirement under the federal TANF program.

Under current law, the adolescent pregnancy prevention and pregnancy services board (APPPS board), which is attached to DHFS for administrative purposes, must award grants to organizations that provide pregnancy prevention programs or pregnancy services to persons under 18 years of age. An organization that receives a grant from the APPPS board must provide matching funds equal to 20% of the grant amount awarded, but may not use any moneys received from the state government toward meeting that matching funds requirement. This bill prohibits an organization that receives a grant from the APPPS board from using moneys received from the federal, as well as the state, government toward meeting the matching funds requirement under the grant. The bill also transfers the APPPS board from DHFS to DOA for administrative purposes.

Under current law, DHFS, or a local health department that acts as an agent of DHFS, issues permits for the operation of hotels, restaurants, temporary restaurants, tourist rooming houses, bed and breakfast establishments, vending machine commissaries, vending machines, campgrounds, camping resorts, recreational and educational camps, and public swimming pools. DHFS must promulgate rules establishing permit fees, preinspection fees, and late fees (DHFS fees) for untimely permit renewal for those establishments that DHFS directly regulates. For establishments that are directly regulated by a local health department that is granted agency status by DHFS, however, the local health department must establish its own fees and must impose both its own fees and fees (entitled "state fees"). The state fees may be no more than 20% of the DHFS fees and must be reimbursed to DHFS. This bill requires that, for establishments that DHFS directly regulates, DHFS promulgate rules establishing additional DHFS fees for reinspection, operating without a permit, comparable compliance or variance requests, and pre-permit review of restaurant plans.

Currently, a permit to operate a restaurant that operates at a fixed location in conjunction with an event such as a fair (a "temporary restaurant") may be applied

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to a premises other than that for which it was issued if DHFS or a local health department approves. A person who operates a bed and breakfast establishment for more than ten nights in a calendar year must obtain a biennial permit from DHFS. DHFS or a local health department that acts as an agent of DHFS may not without a preinspection provide a permit for operation of a new, or newly operated, hotel, tourist rooming house, bed and breakfast establishment, restaurant, or vending machine commissary.

This bill eliminates the authority of DHFS or a local health department to approve applying the permit for a temporary restaurant to a location other than that for which it was originally issued. The bill requires that a person operating a bed and breakfast establishment for more than ten nights in a calendar year obtain an annual, rather than a biennial, permit from DHFS. The bill prohibits DHFS or a local health department acting as a DHFS agent from providing, without a preinspection, a permit for operation for a new, or newly operated, public swimming pool, campground, or recreational or educational camp.

Under current law, DHFS may recover from property left by a decedent who received certain benefits, such as MA, up to the amount that DHFS paid on behalf of the decedent for the benefits. If the decedent's solely owned property in this state does not exceed \$20,000 in value, no person has commenced a procedure for administering the decedent's estate, and the decedent is not survived by a spouse, disabled child, or child under the age of 21, DHFS may receive the decedent's property by presenting the person who has the property with an affidavit showing that the requirements for DHFS's recovery of benefits paid are fulfilled. DHFS is prohibited, however, from collecting from any of the decedent's property that consists of interests in or liens on real property; wearing apparel; jewelry; household furniture, furnishings, or appliances; motor vehicles; or recreational vehicles.

This bill eliminates this prohibition and, instead, requires DHFS to reduce the amount that it may recover by up to a specified amount (currently, \$5,000), if the reduction is necessary to allow the decedent's heirs to retain property of the decedent consisting of wearing apparel and jewelry held for personal use; household furniture, furnishings, and appliances; and other tangible personal property, worth up to \$3,000, not used in trade, agriculture, or other business.

Under current law, if a decedent left solely owned property not exceeding \$20,000 in value, an heir may have any of the property, including an interest in real property, transferred to himself or herself by presenting the person holding the property with an affidavit containing certain information. This bill provides that, if an interest in real property of a decedent is transferred to an heir by affidavit, DHFS has a lien on that interest in real property if the decedent does not have a surviving spouse or child who is under age 21 or disabled. If the decedent has a surviving spouse or child who is under age 21 or disabled, DHFS has a lien on the interest in real property only if the real property was the decedent's home. DHFS may enforce its lien by foreclosure, in the same manner as a mortgage, but not while the decedent's spouse, if any, or child who is under age 21 or disabled, if any, is alive.

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Under current law, financial institutions must participate in a financial record matching program operated by DWD for the purpose of determining whether a person who owes child support or maintenance (formerly called alimony) has an account at a particular financial institution. Under this bill, DWD must reimburse a financial institution up to \$125 per quarter for its participation in the program. Under current law, DWD must provide by rule for a reimbursement amount that does not exceed a financial institution's actual cost.

INSURANCE

Current law prohibits an insurance stock or mutual corporation from being a party to a contract that has the effect of delegating to a person, to the substantial exclusion of the board of the insurance stock or mutual corporation, any management control of the corporation or of a major corporate function, such as underwriting or loss adjustment. Current law provides exceptions, however, for health maintenance organizations, limited service health organizations, and preferred provider plans if the person to whom the management authority is delegated exercises the authority according to the terms of a written contract that is filed with, and not disapproved by, OCI. This bill eliminates these exceptions effective January 1, 2004.

Current law sets out the various services provided by OCI for which fees must be paid and specifies the fee amounts. This bill provides that the fee amounts in the statute apply unless OCI specifies a different amount by rule, and authorizes OCI to provide for different fee amounts by rule, to provide for maximum fee amounts in any such rule, and to charge less than the maximum amount specified in the rule.

LOCAL GOVERNMENT

Under current law, a municipality receives a shared revenue payment based on the municipality's population. This bill eliminates the current shared revenue payment to a municipality based on population.

Under current law, a municipality also receives an aidable revenues payment that is equal to the product of the municipality's aidable revenues and the municipality's tax base weight. Aidable revenues are, generally, revenues raised by the municipality, such as local taxes and regulation revenues. Tax base weight is based, generally, on the value of property in the municipality compared to the municipality's population. This bill eliminates a municipality's aidable revenues payment.

This bill creates an aidable expenditures payment for a municipality. The bill also creates a "growth-sharing region" payment for a municipality. Beginning in 2002, a municipality receives an aidable expenditures payment that is equal to the product of the municipality's aidable expenditures and the municipality's tax base weight. Aidable expenditures include a municipality's expenditures for general government operations; law enforcement, fire protection, ambulance services, and other public safety services; and health and human services. Aidable expenditures do not include a municipality's expenditures for highway maintenance,

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administration, or construction; road-related facilities or other transportation; solid waste collection and disposal or other sanitation; culture; education; parks and recreation; conservation; or development.

DOR must annually determine the amount of each municipality's aidable expenditures, which is the lesser of: 1) the amount of the municipality's aidable expenditures in the year that was two years before the municipality receives an aidable expenditures payment; or 2) the average of the municipality's aidable expenditures in 1998, 1999, and 2000, adjusted for inflation and for the property value in the municipality.

Under the bill, a municipality in a growth-sharing region may also receive a growth-sharing region payment. DOR must define "growth-sharing region" by rule and in such way so that the state consists of at least seven but not more than 25 growth-sharing regions. A municipality will receive a growth-sharing region payment if the municipality limits the annual increase in its municipal budget to the allowable increase, based on the inflation rate and the property value in the municipality, to qualify for the expenditure restraint program under current law and if the municipality enters into an area cooperation compact (compact).

Beginning in 2002 and ending in 2005, to receive a payment, a municipality must enter into a compact with at least two municipalities or counties, or with any combination of at least two such entities, to perform at least two specified functions. Beginning in 2006, to receive a payment, a municipality must enter into a compact with at least four municipalities or counties, or with any combination of at least four such entities, to provide law enforcement and to perform at least five of the following functions: housing, emergency services, fire protection, solid waste collection and disposal, recycling, public health, animal control, transportation, mass transit, land use planning, boundary agreements, libraries, parks and recreation, culture, purchasing, and electronic government.

A compact must provide a plan for any municipalities or counties that enter into the compact to collaborate to provide the specified functions. Annually, the municipality that is to receive a payment must certify to DOR that the municipality has complied with all of the compact requirements.

The total amount of the growth-sharing region payments allocated to all growth-sharing regions is an amount equal to the sales and use taxes collected in the state in a year multiplied by .05. Each growth-sharing region is allocated an amount that is proportional to the sales and use taxes that are collected in the region. A municipality that is eligible to receive a growth-sharing payment receives an amount, from the amount allocated to the growth-sharing region in which the municipality is located, in proportion to its population within the growth-sharing region.

Under current law, a city, village, or town (municipality) is authorized to impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. A municipality may also impose a special charge against real property in an adjacent municipality for current services rendered by the municipality imposing the special charge, if the

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municipality in which the property is located approves the imposition. A “service” under current law includes snow and ice removal, repair of sidewalks or curb and gutter, garbage and refuse disposal, and other similar services. If not paid on time, a delinquent special charge becomes a lien on the property against which it is imposed.

A recent court of appeals decision, *Town of Janesville v. Rock County*, 153 Wis. 2d 538, 546-547 (Ct. App. 1989), interpreted current law to mean that special charges may be imposed “only for services which are actually performed” and that the statute limits a municipality to “charging only for services actually provided and not for services that may be available but not utilized.”

Under this bill, special charges may be imposed for services that are available, without regard to whether the services are actually rendered, and may be allocated to the property that is served or that is eligible to be served. This change also applies to special charges imposed against real property in an adjacent municipality, under the same terms and conditions that exist under current law.

Under current law, the Environmental Remediation Tax Incremental Financing Program (ERTIP) permits a city, village, town, or county (political subdivision) to defray the costs of remediating contaminated property that is owned by the political subdivision. The mechanism for financing costs that are eligible for remediation is very similar to the mechanism under the tax incremental financing program. If the remediated property is transferred to another person and is then subject to property taxation, environmental remediation tax incremental financing may be used to allocate some of the property taxes that are levied on the property to the political subdivision to pay for the costs of remediation. This bill makes technical changes to ERTIP, including definitional changes; creating procedures for the termination of an environmental remediation tax incremental district (ERTID); requiring that the final report under the program include an independent certified financial audit; requiring that DOR be provided with a final accounting of the ERTID’s project expenditures and the final amount of eligible costs that have been paid for an ERTID; and modifying certain provisions of the program to apply to contiguous parcels of property or land, as well as to a parcel of property or land.

Under current law, a municipality may sell or lease any public utility plant that it owns only by completing a number of steps that must be performed according to a specified time table, including enacting an ordinance or resolution that summarizes the proposed terms of a sale or lease and that authorizes the negotiation of a preliminary agreement with a prospective purchaser and submitting the proposed transaction to the electors of the municipality for a referendum. This bill eliminates all of the steps that must be completed under current law and allows a municipality to sell or lease any public utility plant it owns in any manner that it considers appropriate.

Under current law, a register of deeds may charge a fee to provide copies of documents that are recorded in his or her office and to certify the copies. Currently,

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the copying fees are \$2 for the first page of a document and \$1 for each additional page, plus 25 cents to certify the copy of the document. None of these fees apply to DOR, however. This bill increases the certification fee to \$1.

Under current law, the Milwaukee board of police and fire commissioners is required to conduct a city-wide communications media campaign to educate the public about the legal consequences of unlawful possession and use of firearms, with the goal of deterring both. Current law also requires the state to provide money to the board for that media campaign. This bill eliminates the media campaign requirement and the reimbursement for it.

NATURAL RESOURCES**WILD ANIMALS AND PLANTS**

This bill authorizes DNR to issue elk hunting licenses to residents and nonresidents and otherwise to regulate the hunting of elk in this state. The bill allows DNR to make available only to state residents up to 99% of all the elk hunting licenses available in each year. The bill authorizes DNR to select at random who will be issued these licenses if the number of applicants exceeds the number of licenses available. Under the bill, a person must have completed an elk hunter education course in this state or another state or province to be eligible for a license. The bill requires DNR to establish an elk hunter education course.

A person may be issued a license only once in his or her lifetime, and the license may be used in only one elk hunting season. The license authorizes the hunting of elk with bows and arrows, as well as with firearms, unless the licensee is eligible for a crossbow permit under current law due to physical disabilities.

The bill specifically bans the keeping of elk on game farms, on deer farms, and in wildlife exhibits.

This bill authorizes DNR to establish a program to protect aquatic plants that are native to this state and to regulate the introduction, cultivation, and control (management) of aquatic plants. The bill defines controlling aquatic plants to mean cutting, removing, destroying, or suppressing aquatic plants.

Under current law, the only specific authority DNR has regarding aquatic plant management is the authority to develop a statewide program to control purple loosestrife. Under the new program, the types of aquatic plants that will be regulated include Eurasian water milfoil, curly leaf pondweed, and purple loosestrife. Under the program, with certain exceptions, DNR must issue aquatic plant management permits and promulgate rules to regulate the conditions under which aquatic plants may be managed. The bill prohibits any person who does not have such a permit from cultivating or introducing aquatic plants that are not native to this state, from manually removing any type of aquatic plant from navigable waters, and from controlling any type of aquatic plants by the use of chemicals. The bill repeals the current law that makes the failure to remove cut aquatic weeds from a navigable water a nuisance.

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Under current law, DNR issues various hunting, trapping, and fishing licenses and permits. Those licenses and permits must contain certain information including the name and address of the holder. The agent that issues the licenses and permits must also sign them. Current law also specifies that DNR may require any stamp that it issues to bear the signature of the holder of the stamp. This bill eliminates the requirement that hunting, trapping, and fishing licenses and permits be signed by the issuing agent and that stamps bear the signature of the holder.

Under current law, DNR administers a program under which counties receive reimbursement for accepting deer carcasses, having them processed into venison, and then donating the venison to charitable organizations. To participate, a county must participate in the administration of the wildlife damage abatement and claim programs. These three programs are funded from the wildlife damage surcharge that DNR collects with certain hunting license fees. Current law requires that, from the wildlife surcharge moneys, DNR make the payments under the venison processing program after it has made the payments required under the wildlife damage abatement and claim programs.

This bill provides funding for the venison processing program by establishing a voluntary contribution of at least \$1 that a person may pay when being issued a hunting license. Under the bill, DNR makes payments under the venison processing program from these contributed moneys. If the contributed moneys are not adequate, DNR will also use wildlife damage surcharge moneys for payments for processing venison from deer killed in special seasons established to control the deer population.

The bill authorizes DNR to establish a master hunter education program to provide instruction on such topics as wildlife damage and the responsibilities of hunters to landowners. Completion of this program is not a requirement for the issuance of any hunting license or permit.

The bill uses Indian gaming receipts for the costs of managing the state's deer population.

Under current law, certain natural bodies of water may be used as fish farms or as parts of fish farms. This bill specifies when a fish farm operator may use water from a natural body of water that is not part of a fish farm. The water must be transferred directly to the fish farm and back to the same body of water after use and the transfer must be done by ditches or certain types of equipment. The ditches and equipment must have barriers that prevent the passage of fish.

NAVIGABLE WATERS

Under current law, the Fox River management commission (river commission), is authorized to enter into agreements with the federal government to operate and manage the Fox River navigational system (navigational system), which includes locks, harbors, and other facilities related to navigation that are on or near the Fox River. Under current law, a second commission, the Fox-Winnebago regional management commission (Fox-Winnebago commission), will replace the river

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commission when the state receives federal funding for the restoration and repair of the navigational system. The duties and powers of these two commissions are similar; however, these two commissions differ in that the river commission is a state agency attached to DNR and the Fox-Winnebago commission is a regional commission with ten of its thirteen members representing the five counties in which the navigational system is located and the remaining three members being appointed by the governor.

This bill replaces both of these commissions with the Fox River Navigational System Authority (authority). The authority is not a state agency. The board of directors of the authority consists of six members appointed by the governor and the secretary of natural resources, the secretary of transportation, and the director of the state historical society, or their designees.

The bill requires the authority to take over the rehabilitation, repair, replacement, operation, and maintenance of the navigational system after the transfer of the navigational system from the federal government to the state. Once the navigational system is transferred to the state, the state in turn will enter into a lease with the authority to transfer the navigational system to the authority.

For the rehabilitation and repair of the navigational system, the federal government will provide federal funding to the authority in an amount that matches the amount of funding provided by the state to the authority. The state funding will come from the recreational boating aids program that DNR administers.

In order to receive the state funding, the authority must contract with one or more nonprofit corporations to provide marketing and fund-raising services. The funds raised by these corporations will provide the matching amounts for the state funding and will also be used for the rehabilitation and repair of the navigational system.

The bill requires DNR to set aside from the recreational boating aids program for the navigational system \$400,000 in each fiscal year for seven fiscal years and requires DNR to release the set-aside funding on an annual basis in amounts to match the amounts raised by the nonprofit corporations. The authority may not issue bonds to raise funding for the navigational system.

In addition to providing fund-raising services for the authority, the nonprofit corporations must invest the funding received by the authority for the rehabilitation and repair of the navigational system. These nonprofit corporations must be based in one or more of the counties in which the navigational system is located.

The bill requires that the authority submit a management plan to DOA that addresses the costs and funding for the rehabilitation, repair, replacement, operation, and maintenance of the navigational system and describes how the authority will manage its funds to ensure that there are sufficient funds available to abandon the navigational system if its operation is no longer feasible. If the operation of the navigational system does become infeasible, the authority must submit a plan for its abandonment. Before abandoning the navigational system, DOA and DNR must determine that the abandonment plan will preserve the public rights in the Fox River and will ensure safety.

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Under current law, a person may not have a boat, a boat trailer, or boating equipment in the lower St. Croix River if the person has reason to believe that the boat, equipment, or trailer has zebra mussels attached. This bill provides that a person may not place these items in any navigable water if the person has reason to believe that there is any type of aquatic plant other than wild rice attached to the boat, trailer, or equipment.

Under current law, DNR administers two grant programs to address water quality problems in lakes. Under the first program, DNR awards grants for planning projects to provide information on the use of lakes and their ecosystems and on the quality of water in lakes. These grants are for 75% of the project's costs up to \$10,000 per project. Under the second program, DNR awards grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems. Nonprofit conservation organizations, most units of local government, and lake associations that meet certain requirements (qualified lake associations) are eligible for grants under these programs.

This bill makes the following changes to the first program:

1. It increases the \$10,000 cap per project to \$25,000 for certain lake associations that qualify as "premier" lake associations. To be a premier lake association, the lake association must meet all of the requirements of a qualified lake association and must meet certain additional requirements.
2. It allows certain school districts to be eligible for a grant.
3. It changes the annual membership fee requirements for lake associations that are eligible for these grants.
4. It expands the types of activities that are eligible for a grant.

Under the second program, current law allows a grant recipient to use the grant to restore a wetland if the restoration will improve a lake's water quality or ecosystem. This bill expands this provision to allow a grant recipient to use the grant to restore shoreline habitat. The bill also requires that DNR give higher priority to premier lake associations in awarding grants under the second program.

Under current law, DNR, with approval from the Wisconsin waterways commission, administers a financial assistance program for expenses relating to construction and maintenance of recreational boating facilities, locks, or other facilities that provide access between waterways. Among the projects that qualify for funds under the program is a project for the dredging of a channel in a waterway to the degree that is necessary to accommodate recreational watercraft, if the project is for an inland water. This bill eliminates the requirement that such a project must be for an inland water before it may qualify to receive recreational boating aid funding.

Under current law, a person who wants to conduct an activity that would create, enlarge, or otherwise affect certain waterways must have a permit issued by DNR. Certain activities, including the agricultural use of land, are exempt from this permit

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requirement. This bill specifically includes aquaculture as an agricultural use for purposes of this exemption.

Under current law, a person who wants to divert water from a stream for agricultural use must have a permit issued by DNR. This bill specifically includes aquaculture as an agricultural use for purposes of this requirement.

Under current law, DNR administers a dam safety program that is funded by state bonding and that provides matching grants to municipalities and public inland lake protection and rehabilitation districts for the purpose of conducting dam safety projects that DNR has determined necessary. Under this bill, DNR must provide up to \$250,000 in funding from this program to the village of Cazenovia for the repair of a dam located in the village.

RECREATION

This bill increases most annual vehicle admission fees that DNR collects for the entry of vehicles to state parks and other recreational areas under the jurisdiction of DNR. The bill also increases the daily vehicle admission fee for the entry of vehicles that have registration plates from another state.

Under current law, DNR administers a registration program for snowmobiles. This bill requires that \$15 of each fee collected for a snowmobile trail use sticker be used to provide supplemental funding for the maintenance of snowmobile trails. A trail use sticker issued by DNR is required on all snowmobiles that are operated but not registered in this state. Supplemental funding is available for maintenance of trails if the actual cost of maintenance exceeds the amount determined under the trail aids formula, which sets a maximum amount per mile of trail. The bill increases the fee for a trail use sticker. The bill also raises the general registration fee for snowmobiles and the registration fees paid by snowmobile manufacturers and dealers.

Under current law, DNR administers the registration system for all-terrain vehicles (ATVs), boats, and snowmobiles. Current law authorizes DNR to appoint agents who are not employed by DNR to issue ATV and snowmobile registration certificates and certificates of number and registration certificates for boats. Also under current law, DNR may establish an expedited service for renewals of these registration documents, which may be provided by the agents or by DNR directly. Current law imposes issuing fees when the documents are issued by agents and authorizes an expedited service fee when the expedited service is provided by DNR or agents. The agents keep a portion of these fees.

This bill changes the expedited service system by authorizing the establishment of a noncomputerized procedure and a computerized procedure for issuing original and duplicate registration documents and for transferring and renewing these documents. Under either procedure, DNR or the agents issue adequate documentation so that the registrant is able to immediately operate the ATV, boat, or snowmobile in compliance with the applicable registration laws. Under

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both systems, DNR and the agents collect an expedited service fee of \$3 from the registrant. Agents using the noncomputerized system retain the entire fee while agents using the computerized system send \$1 of each \$3 fee to DNR. Under the bill, DNR may continue to provide a registration service that does not use any expedited service procedure and for which no expedited service or issuing fee is charged.

OTHER NATURAL RESOURCES

Under current law, drainage boards operate one or more drainage districts. DATCP assists drainage boards and oversees their activities. A city, village, or town (municipality) may assume jurisdiction to operate a drainage district from a drainage board in certain instances. However, once a drainage district is under municipal jurisdiction, it is subject to the drainage laws of that municipality and is exempt from state drainage law.

DNR regulates construction in navigable waters. Generally, DNR determines whether a body of water such as a stream is navigable. Current law, however, provides an exemption for a drainage district drain that is located in the Duck Creek Drainage District. Under the exemption, the drain is not considered navigable unless a U.S. geological survey map or other scientific evidence shows that the drain was a navigable stream before it became a drainage district drain. This bill extends this exemption to any other drainage district drain if the drain is used primarily for agricultural purposes.

Current law generally provides that a person wishing to deposit any material or to place any structure upon the bed of any navigable water must obtain a permit from DNR. Current law provides an exemption to this requirement for the Duck Creek Drainage District under which the drainage board for that district may place a structure or deposit in a drain if DATCP, after consulting with DNR, specifically approves the structure or deposit or if the structure or deposit is required by DATCP in order to conform the drain to specifications approved by DATCP in consultation with DNR. This bill extends this exemption to any other structure or deposit to be placed in a drainage district drain if the structure or deposit is used primarily for agricultural purposes.

Current law also provides that, with certain exceptions, a person wishing to remove material from the bed of a lake or stream must obtain a permit from DNR. Under one of the exemptions, the drainage board for the Duck Creek Drainage District may remove material from a drain that the board operates if the removal is required by DATCP in order to conform the drain to specifications imposed by DATCP in consultation with DNR. This bill extends this exemption to all other drainage district drains if the removal of the material is necessary primarily for agricultural purposes.

In addition to the current law requirements for obtaining permits to place a structure or deposit in navigable waters or to remove material from the bed of a lake or stream, current law requires that a drainage board obtain a separate permit from DNR to acquire and remove any dam or obstruction or to clean out, widen, deepen, or straighten any navigable stream. Under current law, only the Duck Creek

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Drainage District is exempt from this permitting requirement. This bill eliminates the permitting requirement for all drainage districts operated by drainage boards.

Current law grants the state bonding authority to acquire and develop land for various conservation purposes under two stewardship programs, one that began in 1990 and one that began on July 1, 2000. These programs are administered by DNR.

Under the program that began in 1990, the state is prohibited from using stewardship bonding to provide money to counties, local units of government, or political subdivisions so that they may acquire land by condemnation or may develop land that has been acquired by condemnation. Under current law, the program that began on July 1, 2000, does not include this prohibition. This bill applies the prohibition to this program.

Under current law, with certain exceptions, DNR may not use stewardship bonding under the program that began on July 1, 2000, for a project or activity that exceeds \$250,000 in cost unless it first notifies JCF of the proposal. This bill provides that DNR need not give notice to JCF unless the amount for the project or activity exceeds \$500,000.

Under current law, DNR awards grants to cities and villages for up to 50% of the cost of various tree projects, including tree disease evaluations and public education concerning trees in urban areas. This bill expands the grant program to authorize DNR to also award grants to counties, towns, and nonprofit organizations.

Under current law, DNR may award grants for up to 50% of the cost of acquiring certain clothing, supplies, equipment, and vehicles used for fire suppression purposes. This bill provides that the grants may also include awards for 50% of the cost of acquiring fire prevention materials and of the cost of training fire fighters in forest fire suppression techniques.

OCCUPATIONAL REGULATION

This bill increases the fees for initial and renewal credentials for each of the occupations and businesses that DORL regulates except for renewal credentials for aesthetics schools, barbering or cosmetology schools and instructors, cemetery authorities, cemetery preneed sellers, cemetery salespersons, charitable organizations, electrology instructors, electrology schools, and manicuring schools.

Under current law, with certain exceptions, a person may not act as a private security person unless he or she is issued a private security permit by DORL. A "private security person" is defined as a private police, guard, or other person who stands watch for security purposes. To qualify for a private security permit, a person must satisfy certain requirements, including being employed by a private detective agency that is licensed by DORL and that does both of the following: 1) supplies uniformed private security personnel that patrol exclusively on private property; and 2) provides an up-to-date written record of its employees to DORL.

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Also under current law, an individual who applies for a private security permit is eligible for a temporary private security permit that allows the person to engage in private security activities while DORL considers the application. A temporary private security permit is valid for no more than 30 days. This bill increases the duration of a temporary private security permit to no more than 60 days. The bill also clarifies that an applicant for a temporary private security permit is subject to the requirements under current law that an applicant for a credential issued by DORL or a board in DORL reimburse DORL for the cost of investigating the applicant and pay a fee for the temporary permit.

The bill also creates a private security agency license and allows a person to qualify for a private security permit by being employed by either a licensed private detective agency or a private licensed security agency that does both of the following: 1) supplies uniformed private security personnel that patrol exclusively on private property; and 2) provides an up-to-date written record of its employees to DORL.

Under the bill, DORL may issue a private security agency license to an individual, partnership, limited liability company, or corporation that does both of the following: 1) satisfies any qualification requirements established by DORL by rule; and 2) executes and files a bond or liability policy with DORL in an amount established by DORL by rule. In addition, if the applicant is an individual, he or she must be over 18 years of age and may not have been convicted of a felony for which he or she has not been pardoned. A private security agency license is renewable every two years upon payment of a \$20 renewal fee.

The bill prohibits a person from advertising, soliciting, or engaging in the business of a private security agency unless the person is issued a private security agency license under the bill. The bill allows DORL to revoke, suspend, or limit a private security agency license if the licensee: 1) is convicted of a misdemeanor or violates a state or local law punishable by a forfeiture (civil monetary penalty) if the circumstances of the conviction or violation are substantially related to acting as a private security agency; 2) is convicted of a felony and is not pardoned for that felony; 3) makes a false statement in connection with an application for the license; or 4) engages in conduct reflecting adversely on the person's professional qualification.

Under current law, a person who has been granted a funeral director's license by the funeral directors examining board (board) must apply to renew the license every two years. The application must include proof that the applicant has completed certain continuing education requirements and is doing business at a recognized funeral establishment. However, if a person is not doing business at a recognized funeral establishment, he or she may be granted a certificate in good standing as a funeral director by the board. A person who has been granted such a certificate may renew his or her license at any time during the subsequent two-year licensure period if he or she is able to submit proof that he or she is doing business at a recognized funeral establishment.

This bill eliminates certificates in good standing as a funeral director but provides for a 12-month transitional period during which the board is required to restore the funeral director licenses of certain persons who hold valid certificates in

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good standing under current law. If a person holds a valid certificate that was granted for a license that was granted or last renewed before July 1, 1995, the board must restore his or her license if he or she demonstrates competence as a funeral director by a method satisfactory to the board, including by passing a written or oral examination or providing specified documentation to the board. If the board requires an examination, it may not be more stringent than the examination that is required for persons with licenses granted by other jurisdictions who apply for a reciprocal license from the board. In addition, the person must submit proof that he or she has completed at least 15 hours of continuing education during the past two years.

Under this bill, if a person holds a valid certificate that was granted for a license that was granted or last renewed on or after July 1, 1995, the board must restore his or her license if he or she submits proof that he or she has completed at least 15 hours of continuing education during the past two years. The bill specifies that no fee may be charged to a person who applies for restoration of a license under the bill or who takes an examination that is required for restoration of a license under the bill.

Under current law, an applicant for a credential issued by DORL or a board in DORL may be required to take an examination. If an examination is required, the applicant must pay an examination fee to DORL. The fee must be an amount equal to DORL's best estimate of the actual cost of preparing, administering, or grading the examination or obtaining and administering an approved examination from a test service.

Under this bill, if DORL prepares, administers, or grades the examination, the fee must be equal to DORL's best estimate of the actual cost of preparing, administering, or grading the examination. If DORL approves an examination prepared, administered, and graded by a test service provider, the fee must be equal to DORL's best estimate of the actual cost of approving the examination, including selecting, evaluating, and reviewing the examination.

Under current law, DORL is required to mail a notice of credential renewal to each holder of a credential issued by DORL or a board in DORL at least 30 days prior to the renewal date for the credential. The notice must be mailed to the last address provided to DORL by the credential holder. Under this bill, DORL may either mail the notice of credential renewal as required under current law or give the notice to the credential holder by electronic transmission.

RETIREMENT AND GROUP INSURANCE

This bill creates a qualified transportation fringe benefit plan for state employees, administered by DETF. This plan is authorized under the federal Internal Revenue Code (IRC) and permits employees to set aside pre-tax income to pay eligible transportation expenses before taxes are computed. Three types of eligible transportation expenses are covered: parking expenses incurred at or near an employer's premises; expenses incurred to pay for an employee's use of mass

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transportation; and expenses incurred by an employee in paying his or her share of the cost of using a van pool.

Under current law, the group insurance board may not enter into an agreement to modify or expand group insurance coverage in a manner that materially affects the level of insurance premiums required to be paid by the state or its employees or the level of benefits. This bill authorizes the group insurance board to enter into such an agreement if the modification or expansion would reduce the cost incurred by the state in providing group health insurance to state employees.

This bill authorizes the secretary of employee trust funds (secretary) to settle any dispute in an appeal of a determination made by DETF that is subject to review by the employee trust funds board, the group insurance board, the teachers retirement board, the Wisconsin retirement board, and the deferred compensation board. In deciding whether to resolve such a dispute, the secretary must consider the cost of litigation, the likelihood of success on the merits, the cost of delay in resolving the dispute, the actuarial impact on the public employee trust fund, and any other relevant factor the secretary considers appropriate.

In addition, the bill authorizes the secretary, if the secretary determines that an otherwise eligible participant has unintentionally forfeited or otherwise involuntarily ceased to be eligible for any benefit administered by DETF because of an error in administration by DETF, to order the correction of the error to prevent inequity.

STATE GOVERNMENT**JUSTICE**

Currently, DOJ is required to provide legal services to DATCP for enforcement of the laws related to consumer protection. DOJ may commence an action to restrain by temporary or permanent injunction the violation of marketing and trade practices, including fraudulent representations, negative sales of telecommunication services, or unfair retailing of merchandise. This bill removes the authority of DOJ to enforce the laws relating to consumer protection and places that authority with DATCP or the district attorney. The bill permits DATCP to request DOJ to provide legal services to DATCP relating to consumer protection.

This bill increases from \$8 to \$12 the fee that DOJ charges a firearms dealer for each firearms restrictions record search requested by the dealer.

With certain exceptions, current law requires that a person pay a penalty assessment if ordered by a court to pay a fine or forfeiture for violating a state law or local ordinance. The penalty assessment amount is 23% of the amount of the fine or forfeiture (civil monetary penalty). Twenty-seven fifty-fifths of the revenue collected under the assessment is appropriated to DOJ to fund training of law enforcement, jail, and secure detention officers, and to fund the purchase of equipment for the state crime laboratories. The remaining twenty-eight fifty-fifths

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of the revenue collected under the penalty assessment is appropriated to the office of justice assistance (OJA) to fund an assortment of criminal justice and law enforcement programs.

This bill decreases the penalty assessment to 13% of the amount of a fine or forfeiture. The revenue collected under the penalty assessment is appropriated to OJA to fund the programs that OJA currently funds with the twenty-eight fifty-fifths portion of the 23% penalty assessment.

The bill creates a law enforcement training fund assessment that is separate from the penalty assessment. The law enforcement training fund assessment is an 11% surcharge on fines and forfeitures ordered for a violation of most state laws or local ordinances. The bill appropriates the revenue collected under the law enforcement training fund assessment to DOJ to fund the law enforcement, jail, and secure detention officer training, and the purchase of equipment for the crime laboratories that is currently funded by the twenty-seven fifty-fifths portion of the penalty assessment revenue appropriated to DOJ.

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs in counties that have Indian reservations within their boundaries. OJA administers a similar grant program to fund county law enforcement programs that are not supported by the DOJ grant program in counties that border Indian reservations. Each program is funded from Indian gaming receipts.

This bill moves administration of the DOJ cooperative county-tribal law enforcement grant program to DOA and consolidates it with the OJA grant program for counties bordering Indian reservations. The consolidated grant program provides funding for law enforcement services to counties that have an Indian reservation within their boundaries or that border an Indian reservation.

STATE EMPLOYMENT

Under current law, appointments and promotions to positions in the state classified civil service must be made according to merit and fitness. When vacancies occur in such positions, the administrator of the division of merit recruitment and selection in DER must certify names that may be considered for appointment to the position. This bill authorizes the administrator, with the approval of the secretary of employment relations, to establish pilot programs for the recruitment of individuals to fill vacant positions in the classified service. Under the bill, the pilot programs, which may not be in effect for more than one year, are exempt from all recruitment and certification requirements under current law, except that appointments and promotions to positions must be made according to the applicant's merit and fitness for the position.

Currently, any legislator who establishes a temporary residence in Madison for the period of any regular or special legislative session may receive an allowance for expenses incurred for food and lodging for each day that he or she is in Madison on legislative business. The amount of the allowance is recommended by the secretary

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of employment relations and incorporated into the state compensation plan and must be approved by the joint committee on employment relations.

This bill provides that the allowance is 90% of the per diem rate for travel for federal government business within the city of Madison, as established by the federal general services administration. Under the bill, the amount is established before the start of the biennial legislative session and remains in effect the entire biennial session.

Under current law, appointing authorities in state agencies are prohibited from appointing nonresidents to limited term appointments and to project positions in the state civil service. This bill eliminates this prohibition.

STATE FINANCE

This bill limits the aggregate amount of general purpose revenue (GPR) that may be appropriated in any fiscal biennium. Under the bill, the limit is calculated by first establishing a base year amount that equals the amount of GPR appropriated in the second year of the prior fiscal biennium. For the new fiscal biennium, the base year amount is increased by the annual percentage change in state aggregate personal income for the calendar year that begins on the January 1 that precedes the first year of the fiscal biennium. This amount is increased by the annual percentage change in state aggregate personal income for the calendar year that begins on the January 1 that precedes the second year of the fiscal biennium. The sum of these two amounts is the aggregate amount of GPR that may be appropriated during the fiscal biennium. Under the bill, DOA is required to make the determination of the amount of GPR that may be appropriated for each fiscal biennium.

The bill excludes certain GPR appropriations from the limit. These are appropriations for debt service or operating notes; appropriations to honor a moral obligation pledge that the state has taken with respect to certain revenue bonds; appropriations to refund certain earnings to the federal government relating to state bond issues; an appropriation for legal expenses and the costs of judgments, orders, and settlements of actions and appeals incurred by the state; an appropriation to make a payment for tax relief; an appropriation to make a transfer from the general fund to the budget stabilization fund; an appropriation to make a transfer from the general fund to the tax relief fund; and any appropriation contained in a bill that is enacted with approval of at least two-thirds of the members of each house of the legislature.

This bill requires that certain transfers be made between the general fund, the budget stabilization fund, and the tax relief fund, which is created in the bill.

Under the bill, the secretary of administration (secretary) must annually calculate the difference between the amount of tax revenues projected to be deposited in the general fund (projected tax receipts) and the amount of tax revenues actually deposited in the general fund during the preceding fiscal year (actual tax receipts). If the projected tax receipts are less than the actual tax receipts, the secretary must

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transfer from the general fund to the budget stabilization fund an amount equal to 50% of the difference between the projected tax receipts and the actual tax receipts.

This transfer, however, may not take place once the balance of the budget stabilization fund is at least equal to 5% of the estimated expenditures from the general fund during the fiscal year, as projected in the biennial budget act or acts. Also, the secretary must reduce the amount of the transfer if the transferred amount would cause the general fund balance to be less than the required general fund statutory balance. (The required statutory balance refers to a statement in current law that the estimated general fund balance in any fiscal year may not be an amount less than the following percentage of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as "Compensation Reserves": for fiscal year 2002-03, 1.4%; for fiscal year 2003-04, 1.6%; for fiscal year 2004-05, 1.8%; and, for fiscal year 2005-06 and each fiscal year thereafter, 2%.)

The bill creates a tax relief fund that consists of the difference between the projected tax receipts and the actual tax receipts in each fiscal year and the amount transferred from the general fund to the budget stabilization fund in each fiscal year.

In addition, the bill creates an individual income tax relief fund tax credit, which may be claimed by an individual taxpayer or by a taxpayer and his or her spouse. A claimant may also claim a credit for each of his or her dependents, although a dependent may not claim a credit. The credit is nonrefundable, meaning that if the amount of the credit exceeds the taxpayer's tax liability, no check is issued in the amount of the difference. The credit is available only in taxable years in which the amount in the tax relief fund exceeds \$25,000,000. If the secretary certifies that the amount in the fund exceeds that amount, DOR determines the amount of the credit that may be claimed in that taxable year. The credit amount is determined by dividing the amount certified by the sum of all claimants, all spouses of claimants, and all dependents, and then modified so that the amount in the fund is expended as fully as possible.

On November 23, 1998, Wisconsin and other states agreed to a settlement of lawsuits brought against the major U.S. tobacco product manufacturers (the tobacco settlement agreement). Under the tobacco settlement agreement, the state is to receive annual payments from the U.S. tobacco product manufacturers in perpetuity. This bill authorizes the secretary of administration (secretary) to sell the state's right to receive payments under the tobacco settlement agreement and provides that the proceeds from this sale are to be deposited in the permanent endowment fund, a trust fund created in the bill.

Under the bill, annually the secretary must transfer a certain amount of moneys in the permanent endowment fund to the general fund. For 2002 and 2003, the amount that must be transferred from the permanent endowment fund to the general fund is the amount that the state would have received as payments under the tobacco settlement agreement had the state's right to receive the payments not been sold. The amount available for transfer in each subsequent year, as calculated by the investment board, must equal the sum of the following:

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1. An amount that equals 8.5% of the market value of the investments in the permanent endowment fund on June 1.

2. All proceeds of, and investment earnings on, investments of the permanent endowment fund made at the direction of the secretary that are received in the fiscal year.

3. All other amounts identified by the secretary as payments of residual interests to the state from the sale of the state's right to receive moneys under tobacco settlement agreement that are received in the fiscal year.

The bill also requires that, in fiscal years 2001-02 and 2002-03, the first \$12,006,400 and \$21,169,200, respectively, in payments from the tobacco settlement agreement be deposited in the tobacco control fund and appropriated to the tobacco control board for distribution to specific smoking cessation and prevention programs and for grants for smoking cessation education, research, and enforcement programs. In the event that the state's right to receive payments under the tobacco settlement agreement is sold before the required amounts are received in fiscal years 2001-03, the bill requires that a necessary amount be transferred from the general fund to the tobacco control fund to make up any shortfall.

The bill provides that the investment board may invest the assets of the permanent endowment fund in any investment that is an authorized investment for assets in the fixed retirement investment trust and the variable retirement trust. In addition, the bill requires the investment board to invest certain of the assets in the permanent endowment fund according to the terms and conditions specified by the secretary; the bill specifically provides that the investment board is not subject to its statutory standard of responsibility when it makes such an investment.

The bill also authorizes the secretary of administration to organize one or more nonstock corporations or limited liability companies for any purpose related to the sale of the state's right to receive payments under the tobacco settlement agreement and appropriates moneys for the organization and initial capitalization of any such corporation or company.

The bill establishes the legal characteristics of any sale, assignment, or transfer of payments under the tobacco settlement agreement. In addition, the bill provides that, with certain exceptions, this state's version of Article 9 of the Uniform Commercial Code governs the granting and enforcing of security interests in those payments. Article 9 generally governs similar transactions. Under the bill, if a person obtains, evidences, and provides notice of an interest in the tobacco settlement agreement payments under the procedure specified in the bill, that interest is enforceable against the debtor, any assignee or grantee, and all third parties, including creditors under any lien obtained by judicial proceedings. In addition, the interest is superior to all other liens against the tobacco settlement agreement payments that arise after the date on which the interest attaches to those payments.

Currently, DOA is required, subject to numerous exceptions, to make purchases by solicitation of bids or competitive sealed proposals preceded by public notice. DOA must prepare written justification of contractual service procurements and must comply with rules regarding conflicts of interest between contractors and DOA

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employees. DOA must also attempt to ensure that a specified portion of its procurement business is awarded to minority-owned businesses. This bill exempts contracts entered into by DOA to provide financial services in relation to this state's interest in the tobacco settlement agreement payments from compliance with these requirements.

Currently, with certain exceptions, no person may commence a legal action against the state unless the person presents a claim to the claims board for a recommendation and the legislature denies the claim. This bill exempts claims presented in relation to this state's interest in the tobacco settlement agreement payments from compliance with this requirement.

Under current law, the Wisconsin Health and Educational Facilities Authority (WHEFA) may issue bonds to finance certain projects of health or educational facilities, such as the construction or remodeling of a health or educational facility or related structure, and to refinance outstanding debt of health or educational facilities. Under this bill, WHEFA is authorized to purchase the state's right to receive payments under the tobacco settlement agreement, to make a loan that is secured by the state's right to receive those payments, and to issue bonds to finance the purchase or to make the loan. Any bonds issued to finance the purchase or to make the loan must be payable from, or secured by interests in, the payments under the tobacco settlement agreement. In addition, WHEFA is authorized to organize one or more nonstock corporations or limited liability companies for any purpose related to the purchase or sale of the state's right to receive payments under the tobacco settlement agreement.

This bill affirms the state's participation in the tobacco settlement agreement and states that the payments received under that agreement are the property of the state, to be used as the state decides by law. The bill also provides that no political subdivision of the state, or officer or agent of a political subdivision, may maintain a claim related to the tobacco settlement agreement or any claim against any party that was released from liability by the state under the tobacco settlement agreement.

This bill requires the secretary to prepare a statement of estimated general purpose revenue receipts and expenditures in the biennium following the succeeding biennium based on recommendations in the executive biennial budget bill or bills. This statement is to accompany the biennial budget report that is submitted by the secretary on the day that the governor delivers the budget message to the legislature.

The bill also requires that the legislative fiscal bureau prepare the same statement but based on the recommendations in the executive biennial budget bill or bills, as modified by an amendment offered by JCF, as engrossed by the first house, as concurred in and amended by the second house or as nonconcurred in by the second house, or as reported by any committee on conference.

The bill requires the secretary to prepare, as part of the biennial budget report, a comparison of the state's budgetary surplus or deficit according to generally accepted accounting principles, as reported in the most recent audited financial

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report prepared by DOA, and the estimated change in the surplus or deficit based on recommendations in the biennial budget bill or bills.

Current statutes state that “[n]o bill directly or indirectly affecting general purpose revenues ... may be enacted by the legislature if the bill would cause the estimated general fund balance on June 30 of any fiscal year ... to be an amount equal to less than the following percentage of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as “Compensation Reserves” for that fiscal year” For fiscal year 2002-03, the amount is 1.4%. This bill reduces this amount to 1.2%.

PUBLIC UTILITY REGULATION

Under current law, the PSC is required to establish standards for water or sewer service that is provided to occupants of a mobile home park by the park operator or a contractor. The PSC’s rules must include requirements for metering, billing, depositing, arranging deferred payment, installing service, refusing or discontinuing service, and resolving disputes about service. The rules must also ensure that charges are reasonable and not unjustly discriminatory, that service is reasonably adequate, and that any related practice is just and reasonable. This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from the PSC to the department of commerce.

This bill creates immunity from liability for public utilities for stray voltage. Under the bill, a public utility is immune from liability for any damage caused by or resulting from stray voltage contributed by the public utility if the stray voltage is below the level of concern established by the PSC. In addition, the stray voltage must be determined using the PSC’s principles and guidelines regarding stray voltage screening and diagnostic procedures. Upon the request of any party to an action for damages for stray voltage, the PSC must evaluate and testify as to whether its applicable order was followed in calculating the amount of stray voltage. The bill provides that damages from stray voltage are not subject to the current provision that allows treble damages for injuries resulting from the willful, wanton, or reckless acts or omissions of the public utility’s directors, officers, employees, or agents.

This bill authorizes the PSC to conduct an energy assessment of any proposed state agency rule that may affect state energy policies and, if the rule has a significant impact on the state’s energy policies, to prepare an energy impact statement. The bill requires the state agency that is proposing the rule to consider the PSC energy impact statement before final adoption of the rule and to include the energy impact statement and the agency’s response in the notice when the agency submits its proposed rule in final form to the legislature.

Under current law, telecommunications utilities and providers are subject to certain requirements regarding the protection of consumers, including other telecommunications utilities and providers that use their services. The PSC, on its

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own motion or upon a complaint filed by a consumer, may take administrative action or commence civil actions against telecommunications utilities and providers to enforce these requirements. This bill provides that the PSC has jurisdiction in its own name or on behalf of consumers to take such actions. The bill also clarifies that the PSC's authority to take administrative action includes initiating a contested case.

Under current law, the PSC may bring an action in court for injunctive relief for compelling compliance with the requirements, for compelling refunds of any moneys collected in violation of the requirements, or for any other relief under the public utility statutes. This bill also allows the PSC to take administrative action, in addition to bringing an action in court, for compelling compliance with the requirements or for compelling refunds. The bill also allows the PSC to take administrative action or bring an action in court for any other appropriate relief, instead of just any other relief under the public utility statutes. Also, the bill allows the PSC to directly impose forfeitures for violations of the requirements.

Under current law, the PSC may request the attorney general to bring an action in court to require a telecommunications utility or provider to compensate any person for any pecuniary loss caused by failure to comply with the requirements. Under this bill, in addition to requesting the attorney general to bring such an action, the PSC may take administrative action, including initiating a contested case, or bring its own action in court to require such compensation.

Under current law, the PSC may investigate whether rates, tolls, charges, schedules, or joint rates are unjust, unreasonable, insufficient, unjustly discriminatory or preferential, or unlawful and order that reasonable rates, tolls, charges, schedules, or joint rates be imposed, observed, or followed in the future. With respect to telecommunications providers, this bill also allows the PSC to order reasonable compensation for persons injured by reason of rates, tolls, charges, schedules, or joint rates of telecommunications providers that are investigated.

Under current law, public utilities and certain other entities, such as telecommunications providers, that violate laws enforced by the PSC, PSC orders, and certain other requirements are subject to a forfeiture of between \$25 and \$5,000, for each day of violation, which is imposed by a court. Under this bill, the PSC may also impose such a forfeiture against a telecommunications provider by administrative action.

Under current law, the PSC is required to inquire into neglect or violation of laws by public utilities and telecommunications carriers, enforce such laws, and report all violations to the attorney general. This bill also allows the PSC to take administrative action and institute and prosecute all necessary actions and proceedings for enforcing all laws relating to telecommunications providers or telecommunications carriers, and for the punishment of all violations.

This bill requires DOA to award grants to operators of dairy, beef, or swine farms for eliminating stray voltage concerns and sources or replacing electrical wiring. The bill creates a farm rewiring fund, consisting of contributions that certain gas and electric utilities make to the PSC, from which the grants are made. A farm

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operator is not eligible for grants unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm.

Under current law, the PSC is allowed to assess against a public utility the expenses incurred by the PSC in taking regulatory action with respect to the public utility. The PSC is allowed to make similar assessments against other entities under its jurisdiction, including a person seeking approval to construct a wholesale merchant plant. A wholesale merchant plant is electric generating equipment that does not serve retail customers and that is owned and operated by either: 1) a person that is not a public utility; or 2) subject to approval of the PSC, an affiliate of a public utility.

Current law imposes a limit on the amount that the PSC may assess against a public utility or other entity under the PSC's jurisdiction. The total amount that the PSC may assess in a calendar year may not exceed four-fifths of one percent of the public utility's or entity's gross operating revenues derived from intrastate operations in the last preceding calendar year.

Under this bill, the limit on assessments does not apply to assessments for the expenses incurred by the PSC in taking regulatory action with respect to approving construction of wholesale merchant plants.

OTHER STATE GOVERNMENT***Creation of department of electronic government***

This bill creates a department of electronic government (DEG). The bill transfers most existing functions of DOA relating to information technology and telecommunications to DEG and creates a number of new functions for DEG. The bill grants DEG broad powers to manage the state's information technology and telecommunications systems. Under the bill, the secretary of information services, who serves as department head, is titled the "chief information officer." The officer's position is assigned to executive salary group 8 (\$82,979 to \$128,618 per year in 2000-01). The officer is appointed by the governor to serve at his or her pleasure. The officer appoints the staff of DEG, which includes a deputy, executive assistant, and three division administrators outside the classified service.

The bill also creates an information technology management board which is attached to DEG. The board consists of the governor, chief information officer, secretary of administration, and two heads of state executive branch agencies and two other members appointed by the governor without senate confirmation. The board advises DEG, monitors progress in attaining the state's information technology goals, and hears and decides appeals of actions of the officer by executive branch agencies.

The bill directs DEG, with the assistance of executive branch agencies and the advice of the board, to manage the information technology portfolio of state government to meet specified criteria. The portfolio includes information technology systems, applications, infrastructure and information resources, and human resources devoted to developing and maintaining information technology systems.

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Currently, each executive branch agency is required to prepare, revise, and submit annually to DOA, for its approval, an information technology strategic plan that details how the agency plans to use information technology to serve its needs and those of its clients. This bill makes proposed strategic plans of executive branch agencies subject to approval of the chief information officer, with the advice of the board.

The bill permits DEG to acquire, operate, or maintain any information technology equipment or systems required by DEG to carry out its functions and to provide information technology development and management services related to those systems. Under the bill, DEG may assess executive branch agencies for the costs of equipment or systems acquired, operated, maintained, or provided or services provided and may also charge legislative and judicial agencies for these costs as a component of any services provided by DEG to these agencies. The bill also permits DEG to assume direct responsibility for the planning and development of any information technology system in the executive branch of state government that the chief information officer determines to be necessary to effectively develop or manage the system, with or without the consent of any affected agency. The bill permits DEG to charge any executive branch agency for its reasonable costs incurred on behalf of the agency in carrying out this function.

Currently, DOA must provide computer services to state agencies in the executive, legislative, and judicial branches. DOA may also provide telecommunications services to those agencies and computer or telecommunications services to local governments and private schools, postsecondary institutions, museums, and zoos. DOA may also provide supercomputer services to state agencies, local governments, and entities in the private sector. Under this bill, DEG may enter into an agreement to provide any services that DEG is authorized to provide to any state agency or authority, any unit of the federal government, any local governmental unit, or any entity in the private sector. DEG may also develop and operate or maintain any system or device facilitating Internet or telephone access to information about programs of state agencies or authorities, local governmental units, or entities in the private sector by means of electronic communication and may assess or charge agencies, authorities, units, and entities in the private sector for its costs of development, operation, or maintenance on the same basis that DEG assesses or charges for information technology equipment or systems.

The bill appropriates to DEG all revenues received from assessments or charges, without limitation, for the purpose of carrying out its functions. The bill also appropriates general purpose revenue to DEG equivalent to the depreciated value of its equipment.

Currently, the number of full-time equivalent (FTE) positions for each state agency within each revenue source is fixed by law or by the governor, JCF, or the legislature in budget determinations. Program-revenue funded positions may be adjusted by the governor with the concurrence of JCF and federally funded positions may be adjusted by the governor alone. This bill permits the chief information officer to transfer any number of FTE positions having responsibilities related to information technology or telecommunications from any executive branch agency to

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DEG or any other executive branch agency and to transfer the funding source for any position from one source to another for the purpose of carrying out the functions of DEG. Upon transfer of any position, the incumbent in that position is also transferred without loss of pay, fringe benefits, or seniority privileges. The bill also permits the officer to transfer moneys from the appropriation account for any appropriation made to an executive branch agency, except a sum sufficient appropriation, without the consent of the agency, for the purpose of facilitating more efficient and effective funding of information technology or electronic communications resources within the executive branch of state government. Under the bill, any transfer of positions or funding may not be made if it would be inconsistent with state or federal law or any requirement imposed by the federal government as a condition to receipt of aids by this state.

Currently, every executive branch agency, other than the board of regents of the UW system, is required to purchase computer services from DOA, unless DOA grants permission to the agency to procure the services from a private source or from another agency, or to provide the services to itself. This bill provides that every executive branch agency, including the board of regents of the UW system, must purchase all materials, equipment, supplies, and services relating to information technology or telecommunications from DEG, unless DEG requires the agency to purchase the materials, supplies, equipment, or contractual services under a master contract established by DEG or unless DEG grants permission to the agency to procure the materials, supplies, equipment, or services from a private source or from another agency, or to provide the materials, supplies, equipment, or services to itself. The bill also makes all contracts by any executive branch agency for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications subject to review and approval of the chief information officer.

Currently, subject to numerous exceptions, state agencies are generally required to make purchases through solicitation of bids or competitive sealed proposals preceded by public notice, and to allow DOC the opportunity to provide the materials, supplies, equipment, or services under certain conditions if DOC is able to do so. These requirements do not apply to purchases by the division of information technology services of DOA relating to the functions of the division. This bill provides that these requirements do not apply to purchases of any materials, supplies, equipment, or services by DEG. The bill requires DEG to submit an annual report to DOA concerning any purchases by DEG that are not made in accordance with these requirements. The bill also permits DEG to establish master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications for use by state agencies and authorities, local governmental units, and entities in the private sector and to require any executive branch agency to make purchases of materials, supplies, equipment, or contractual services included under the master contract pursuant to that contract.

Currently, executive branch agencies must make purchases through DOA unless DOA delegates direct purchasing authority to the agencies. DOA prescribes

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standard specifications for state purchases which agencies are generally required to incorporate into purchasing orders and contracts when appropriate. Under this bill, DOA must delegate authority to DEG to make all of its purchases independently of DOA, and any standard specifications prescribed by DOA for the purchase of materials, supplies, equipment, or services for information technology or telecommunications purposes are subject to approval of the chief information officer.

Elections administration

Under current law, voter registration is required in every municipality with a population greater than 5,000. The information required on voter registration forms is specified by law. This bill requires voter registration in every municipality. The bill also establishes a centralized, statewide voter registration list that is maintained by the state elections board. Under the bill, the list must be electronically accessible by any person, but no person other than an authorized election official may change the list. The bill permits the board to change the list only for the purpose of deleting the registration of individuals who register to vote outside this state or whose registrations are required to be cancelled as the result of a municipal canvass. Under the bill, each municipal clerk or board of election commissioners must electronically enter registrations or changes of registration on the list, except that the bill permits the town clerk of any town having a population of not more than 5,000 to designate the county clerk of the county where the town is located as the town clerk's agent for entry of this data. The bill also directs the board to provide grants to counties and municipalities to finance the cost of maintenance of the list.

Currently, with certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday before an election. However, electors may also register in person at the office of the municipal clerk or board of election commissioners up to 5 p.m. on the day before the election or, in most cases, may register at the proper polling place on election day. Currently, an individual who registers after the deadline must provide a specified form of proof of residence. If the individual is unable to do so, another qualified elector of the same municipality may corroborate the information contained in the individual's registration form. The corroborating elector then must provide this proof of residence. Currently, there is no limit on the number of times a person may act as a corroborating elector.

This bill requires any elector who registers to vote after the deadline, if possible, to present a valid Wisconsin driver's license or valid Wisconsin identification card containing the elector's photograph and current street address. The bill permits any other elector to present an identification card that contains the elector's photograph and current street address or any other identification card that contains the elector's name and photograph and an identifying number. An elector who is unable to present any identification may have his or her identity and registration information corroborated by another elector as currently provided. However, under the bill, a corroborating elector may not corroborate more than two registrations in one day. The bill also permits the board, by rule, to specify additional information that must be provided on registration forms. In addition, the bill provides that any election

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official who fails to exercise due care to lawfully register an elector to vote is subject to a forfeiture (civil penalty) of not more than \$1,000.

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required to vote and the elector is not registered, the elector must provide a specified form of proof of residence to register. If registration is not required, the elector may be required to provide this proof. With certain limited exceptions, this bill requires each elector attempting to vote at any polling place in a municipality to follow the same identification or corroboration procedure that is required under the bill for late voter registration. The bill requires election officials to verify that the name and address on any identification are the same as the elector's name and address on the list of registered electors. Under the bill, election officials must also verify that the photograph contained in any identification reasonably resembles the elector. The identification procedure does not affect absentee voting or voting by military electors.

Currently, following each general election, a municipality where registration is required must complete a canvass to identify each registered elector who has failed to vote within the previous four years, attempt to notify each such elector, and revise and correct its list of registered electors accordingly. This bill provides that if a municipality fails to complete the canvass within 120 days of the general election, the board may conduct the canvass at the expense of the municipality.

Currently, each municipality appoints and supervises election inspectors (poll workers). Under this bill, if the board finds that an inspector has repeatedly and materially failed to substantially comply with the election laws or rules of the board, the board may remove the inspector and appoint a replacement to serve the remainder of the inspector's unexpired term. The replacement must be compensated by the municipality and is subject to the supervision of the municipal clerk or board of election commissioners. However, unlike most other inspectors, the replacement may be appointed without regard to party affiliation. The bill also permits the board to appoint a special master to assume all functions of the municipal clerk or board of election commissioners if the board finds that a municipality has repeatedly and materially failed to substantially comply with the election laws or rules of the board in administering elections. The bill requires the municipality to pay all costs incurred relating to the special master.

Under current law, the board may promulgate rules to interpret or implement the laws relating to the conduct and administration of elections and election campaigns. This bill expands the board's rule-making authority, permitting the board to promulgate rules to promote the efficient and fair conduct of elections. This bill also directs the board to conduct training programs so that individuals exercising the right of access to polling places may inform themselves of the election laws, the procedures for conducting elections, and the rights of individuals who observe election proceedings.

SENATE BILL 55***Land information and land use***

Currently, the land information board is attached to DOA. The board serves as a state clearing house for access to land information and provides technical assistance to state agencies and local governmental units with land information responsibilities, reviews and approves county plans for land records modernization, and provides aids to counties, derived from recording fee revenues collected by counties, for land records modernization projects. Under current law, the board and its functions are abolished effective on September 1, 2003. This bill abolishes the land information board on the day the bill becomes law and permanently transfers its functions, together with its assets and liabilities, to DOA.

Under the Land Information Program, a number of state agencies, including DOA, DATCP, DHFS, DNR, and DOR, are required to submit biennially to the land information board a plan to integrate land information so that the information is readily translatable, retrievable, and geographically referenced for use by any state, local governmental unit, or public utility. This bill eliminates the requirement that DOR submit such a plan, beginning with the plan that is due in 2002.

Currently, counties collect a land record fee for recording and filing most instruments that are recorded or filed with the register of deeds. The fee is \$10 for the first page of an instrument and \$2 for each additional page. Until September 1, 2003, counties must remit \$2 of each \$10 collected for recording or filing the first page of each instrument to the land information board, which the board uses to fund its general program operations and to make grants to counties for land records modernization projects. Currently, if a county does not have a land information office or does not use \$4 of the fee for recording or filing the first page of an instrument for land records modernization, the county must remit \$6 of the fee for recording or filing the first page of an instrument to the land information board. On September 1, 2003, the fee for recording or filing the first page of an instrument is reduced from \$10 to \$8 and no portion is remitted to the state.

This bill permanently increases the fee for recording or filing the first page of an instrument with a register of deeds from \$10 to \$11, and requires a county to remit either \$2 or \$7 of this fee to DOA, depending on whether the county has a land information office and uses the fee for land records modernization.

Currently, DOA may provide grants to local governments to be used to finance a portion of the cost of certain comprehensive planning activities from general purpose revenue. This bill provides, in addition, for a portion of the land record fee received by DOA to be used for that purpose.

Under current law, the Wisconsin land council in DOA must perform duties including identifying and recommending to the governor land use goals and priorities, identifying and studying areas of conflict in the state's land use statutes and between state and local land use laws and recommending to the governor legislation to resolve the conflicts, and studying the development of a computer-based land information system.

This bill discontinues the council's function of studying the development of a computer-based land information system, and adds several new functions to the council's duties, including establishing a land information working group and

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reviewing county land records modernization plans. The bill also adds three members to the 16-member council and eliminates the council's sunset date of September 1, 2003.

Under current law, DOA awards transportation planning grants to local governmental units (cities, villages, towns, counties, and regional planning commissions) to pay for planning activities related to the transportation element of a comprehensive land use and development plan. Under this bill, DOA may also award transportation planning grants to assist local governmental units in the integrated transportation and land-use planning for highway corridors (areas expected to need additional capacity for vehicular traffic or to have possible safety or operational problems resulting from pressure for development). The bill requires DOA to award transportation planning grants in the following order of priority: 1) grants that pay for planning activities related to a transportation element and which also assist in highway corridor planning; 2) grants that only pay for planning activities related to a transportation element; and 3) grants that only assist in highway corridor planning. The bill also expands the definition of "local governmental unit" to include a metropolitan planning organization (an organization that develops transportation plans and programs).

State procurement services

Currently, DOA provides procurement services to state agencies and some local governments. These procurement functions are financed with general purpose revenue. This bill permits DOA to assess any state agency or local government to which it provides procurement services for the cost of the services provided to the agency or local government. The bill also permits DOA to identify savings that DOA determines were realized by any state agency to which it provides procurement services, and to assess the agency for not more than the amount of the savings so identified. The bill does not define "savings" and does not specify any methodology for determination of these assessments. The bill appropriates to DOA all moneys collected from these assessments to be used to finance procurement services. The change potentially decreases the moneys available to agencies and local governments for other purposes. The bill also appropriates moneys from the revenue sources that finance the programs of state agencies to supplement the unbudgeted costs of procurement service charges, except charges for identified procurement savings.

Currently, subject to numerous exceptions, DOA, or any state agency in the executive branch to which DOA delegates purchasing authority, must make purchases by bid or competitive sealed proposal that must be preceded by at least two notices published in the official state newspaper, the latest of which must be inserted at least seven days prior to opening of the bids or competitive sealed proposals. This bill permits DOA or any state agency to which DOA delegates purchasing authority to make purchases by soliciting sealed bids to be opened at a specified date and time or by solicitation of bids at an auction to be conducted electronically at a specified date and time, or by competitive sealed proposal. If bids are to be solicited at an

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electronic auction, the bill requires notice of the auction to be posted on an Internet site determined or authorized by DOA at least seven days prior to the date of the auction. The bill also permits notice of any proposed purchase by DOA or an agency to which DOA delegates purchasing authority to be posted electronically on an Internet site determined or authorized by DOA at least seven days prior to the date that bids or competitive sealed proposals are to be opened or bids are to be received by auction in lieu of the publication required under current law.

Currently, DOA maintains a subscription service that provides current information of interest to prospective vendors concerning state procurement opportunities. This bill permits DOA to permit prospective vendors to provide product or service information through this service and also permits DOA to prescribe fees or establish fees through a competitive process for the use of the service. Any revenue collected from the fees is deposited in the state VendorNet fund, which is used to pay the costs of the subscription service.

Municipal boundary review

Currently, DOA is required to review proposed municipal incorporations and certain municipal annexations in counties having a population of 50,000 or more, and to make findings with respect to certain matters specified by law. Currently, the cost of conducting this review is financed with general purpose revenue.

This bill permits DOA to prescribe and collect a fee for conducting this review. The fee must be paid by the person or persons filing a petition for incorporation or by the person or persons filing a notice of proposed annexation. The bill appropriates to DOA all moneys collected from these fees to finance reviews of proposed municipal incorporations and annexations.

Federal-state relations

Current law directs DOA to operate a federal aid management service. The service is directed to process applications by state agencies for grants from the federal government upon request of the agencies. DOA may assess any state agency to which DOA provides services a fee for its expenses incurred in providing those services.

This bill directs DOA to initiate contacts with the federal government for the purpose of facilitating participation by state agencies in federal aid programs, to assist those agencies in applying for such aid, and to facilitate influencing the federal government to make policy changes that will be beneficial to this state. The bill also permits DOA to assess agencies to which DOA provides those services a fee for its expenses incurred in providing those services.

Dual state employment or retention

Current law prohibits any elective state official from holding any other position or being retained in any other capacity with a state agency or authority, except an unsalaried position or unpaid service with a state agency or authority that is compatible with the official's duties, the emoluments of which are limited to reimbursement for actual and necessary expenses incurred in the performance of

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those duties. Current law also prohibits any other individual who is employed in a full-time position or capacity with a state agency or authority from holding another position or being retained in another capacity with a state agency or authority from which the individual receives, directly or indirectly, more than \$12,000 from the agency or authority as compensation for the individual's services during the same year. These prohibitions do not apply to an individual other than an elective state official who has a full-time appointment for less than 12 months during any period of time that is not included in the appointment. This bill repeals both of these prohibitions.

Energy efficiency fund elimination

Currently, state agencies may apply for loans from the energy efficiency fund to finance energy efficiency projects. The loans are repaid from utility expense appropriations made to the agencies in an annual amount equal to the utility expense savings realized by the agencies as a result of the energy efficiency projects. In addition, for six years after each loan is repaid, DOA may transfer an amount equal to one-third of the savings realized to the general fund, and an amount equal to one-third of the savings realized to the energy efficiency fund for maintenance of projects with an energy efficiency benefit and for energy efficiency monitoring. An amount equal to the final one-third of the savings realized may be utilized by an agency for its general program operations, subject to approval of JCF.

This bill abolishes the energy efficiency fund. Under the bill, DOA may transfer an amount equal to all repayments of loans made from the fund for energy efficiency projects from the appropriate utility expense appropriations to the general fund. Any unencumbered balance in the energy efficiency fund on the day the bill becomes law is also transferred to the general fund.

State-local partnership

This bill directs that DOA, to the extent possible, coordinate state policies governing the relationship between the state and local governments in this state and attempt to make those policies as uniform as practicable. The bill also permits DOA to attempt to mediate disputes between local governments and state agencies to the extent feasible. To carry out these functions, the bill directs DOA to appoint a state-local government coordinator outside the classified service.

TAXATION**INCOME TAXATION**

Under current law, when computing corporate income taxes and franchise taxes, a formula is used to attribute a portion of a corporation's income to this state. The formula has three factors: a sales factor, a property factor, and a payroll factor. The sales factor represents 50% of the formula and the property and payroll factors each represent 25% of the formula. When computing income taxes and franchise taxes for an insurance company, a formula with a premium factor and a payroll factor is used to attribute a portion of an insurance company's income to this state.

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Under this bill, beginning on January 1, 2005, the sales factor will be the only factor used to attribute a portion of a corporation's income to this state. The property and payroll factors will be decreased, and eventually phased out, over the next four years as the sales factor is increased and becomes the only factor. Beginning on January 1, 2005, the premium factor will be the only factor used to attribute a portion of an insurance company's income to this state. The payroll factor will be decreased, and eventually phased out, over the next four years as the premium factor is increased and becomes the only factor.

Under current law, the income of an electric or gas utility is apportioned by rules established by DOR. Under the bill, for taxable years beginning after December 31, 2002, and before January 1, 2005, the income of an electric or gas utility is apportioned in the same manner as the income of a corporation under the bill. Beginning on January 1, 2005, the sales factor will be the only factor used to attribute a portion of the income of an electric or gas utility to this state.

Under current law, the income of a financial organization is apportioned, for corporate income tax and franchise tax purposes, by rules established by DOR. Under the bill, for taxable years beginning after December 31, 2002, and before January 1, 2005, the income of a financial organization is apportioned by multiplying that income by a fraction that includes a sales factor representing more than 50% of the fraction, as determined by rule by DOR. For taxable years beginning after December 31, 2004, the income of a financial organization is apportioned by using a sales factor, as determined by DOR.

Under current law, an inter vivos trust (a trust that is created during the life of the grantor) that is made irrevocable before October 29, 1999, is considered resident at the place where the trust is being administered. This state taxes a trust that is resident within this state. Also under current law, in general, an inter vivos trust is taxable by this state if the grantor was a resident of this state.

Under this bill, an inter vivos trust that is made irrevocable before October 29, 1999, is considered resident, and is thus taxable by this state, only if the trust was administered in this state before October 29, 1999, or, if administered in this state on or after October 29, 1999, if the grantor is a resident of this state. This change first applies to taxable years beginning on January 1, 1999.

Under current law, the individual income tax brackets are indexed for inflation. Generally, for taxable years beginning after December 31, 1999, the brackets are increased each year based on the annual percentage change between the consumer price index (CPI) for August of the previous year and August 1997. An exception to the general rule is that for taxable years beginning after December 31, 2000, the top bracket is increased each year by the same percentage as the percentage change between the CPI for August of the previous year and August 1999. This bill limits the applicability of the exception to the general rule that governs indexing of the individual income tax brackets to taxable year 2001.

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Under current law, resident shareholders of subchapter S corporations and members of limited liability corporations (LLCs) treated as partnerships may claim a tax credit for taxes that those S corporations and LLCs pay to another state. This bill expands the application of this tax credit so that it may be claimed by otherwise qualified resident partners of a partnership that pays taxes to another state.

PROPERTY TAXATION

This bill creates a property tax exemption for a hub facility operated by an air carrier. A “hub facility” is a facility at an airport from which an air carrier company operated at least 45 common carrier departing flights each weekday in the prior year and from which it transported passengers to at least 15 nonstop destinations; or an airport or any combination of airports in this state from which an air carrier company cumulatively operated at least 20 common carrier departing flights each weekday in the prior year, if the air carrier company’s headquarters are in this state.

Under current law, regional planning commissions (RPCs) may be created by the governor, or by a state agency or official that the governor designates, upon the submission of a petition in the form of a resolution by the governing body of a city, village, town, or county (local governmental units). An RPC may conduct research studies; collect and analyze data; prepare maps; make plans for the physical, social, and economic development of the region; provide advisory services to local governmental units and other public and private agencies on regional planning problems; and coordinate local programs that relate to the RPC’s objectives. This bill authorizes RPCs to acquire and hold real property for public use. The bill also authorizes RPCs to convey and dispose of such property.

Under current law, property owned by municipalities or by certain districts, such as school districts, technical college districts, and metropolitan sewerage districts, is exempt from the property tax. Under this bill, property owned by an RPC is also exempt from the property tax.

Under current law, in lieu of paying local property taxes, a light, heat, and power company pays a license fee to the state based on a percentage of the company’s gross revenue that is attributable to this state. However, if a light, heat, and power company structure is used in part for the company’s business operation and in part for purposes that are not related to the company’s business operation, the part of the structure that is used for purposes that are not related to the company’s business operation is subject to local property taxes.

Under this bill, property, excluding land, that is owned or leased by a public utilities holding company that provides services to a light, heat, and power company affiliated with the holding company is assessed for local property taxes on the portion of the fair market value of the property that is not used for providing services to the light, heat, and power company.

Under current law, DOR assesses manufacturing property, and determines what property is classified as manufacturing property, for property tax purposes. If

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a reviewing authority for property tax assessments reduces a manufacturing property's assessed value or determines that manufacturing property is exempt from property tax, the property owner may file a claim for a property tax refund with the municipality in which the property is located. The municipality pays the refund in one sum that includes interest on the refund amount, paid at the rate of 0.8% a month.

Under current law, a property owner may file an objection to a property tax assessment of the owner's manufacturing property with the state board of assessors within 60 days of receiving notice from DOR of the property's assessment.

Under this bill, a municipality may pay a property tax refund to an owner of manufacturing property in five annual installments rather than all at once, if the refund is more than \$10,000, the refund amount represents at least 0.0025% of the municipality's tax levy, and the municipality's tax levy is less than \$100,000,000. The interest on the refund amount is paid either at a rate of 10% a year or at a rate determined by the last auction of six-month U.S. treasury bills, whichever is less. In addition, the state compensates the municipality for the interest on any such refund that is paid by the municipality.

Under the bill, a property owner who files an objection to a property tax assessment of the owner's manufacturing property must include in the objection the reasons for the objection, an estimate of the correct assessment, and the basis for that estimate. In addition, the property owner may file supplemental information to support the objection within 60 days from the date that the objection is filed.

Under current law, an owner of manufacturing property must submit annually by March 1 a report to DOR that contains certain information about the property that DOR considers necessary for property tax assessment purposes. An owner of manufacturing property who fails to submit the report by the date that it is due must pay a penalty equal to the greater of \$10 or 0.05% of the property's assessment for the previous year, but not more than \$1,000. If the property owner does not submit the report within 30 days from the date that it is due, the property owner must pay a second penalty that is equal to the first.

Under this bill, an owner of manufacturing property who fails to submit the report by the date that it is due is subject to the following penalties: if the report is one to ten days late, \$25; if the report is 11 to 30 days late, the greater of \$50 or 0.05% of the previous year's assessment, but not more than \$250; and if the report is more than 30 days late, the greater of \$100 or 0.1% of the previous year's assessment, but not more than \$750.

OTHER TAXATION

Under current law, in lieu of paying local property taxes, a private light, heat, and power company and an electric cooperative pay a license fee to the state based on a percentage of the company's or cooperative's gross revenues that are attributable to this state. A private light, heat, and power company pays a license fee based, in part, on multiplying its gross revenues from the sale of gas services by 0.97% and multiplying its other gross revenues by 3.19%. An electric cooperative pays a license fee based, in part, on multiplying its gross revenues by 3.19%.

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Under this bill, a private light, heat, and power company and an electric cooperative pay a license fee to the state based, in part, on multiplying the company's or cooperative's gross revenues from the sale of wholesale electricity by 1.59%. The license fee applies to gross revenues from the sale of wholesale electricity that are earned during tax periods beginning on January 1, 2003, and ending on December 31, 2008. A private light, heat, and power company will continue to pay a license fee under current law based on multiplying its gross revenues from the sale of gas services by 0.97% and multiplying its other gross revenues, except revenues from the sale of wholesale electricity, by 3.19%. An electric cooperative will continue to pay a license fee under current law based on multiplying its gross revenues, except revenues from the sale of wholesale electricity, by 3.19%.

Under current law, a farm that is not a corporation, except a farm that has no more than \$1,000,000 in gross receipts, pays a recycling surcharge of \$25. Under this bill, a farm that is not a corporation, except a farm that has less than \$4,000,000 in gross receipts, pays a recycling surcharge in an amount that is equal to 2% of its net income, up to a maximum of \$9,800, or \$25, whichever is greater.

Under current law, tax stamps must be affixed to each cigarette package that is sold in this state. This bill prohibits affixing tax stamps to cigarette packages that are not intended to be sold, distributed, or used in the United States; that are not labeled as provided under federal law; that are modified by a person who is not the cigarette manufacturer; that are altered so as to remove, conceal, or obscure certain labels; and that are imported into the United States after December 31, 1999, in violation of federal law. Under the bill, a person who possesses over 400 of such cigarettes, or who sells or distributes such cigarettes, is subject to the same penalties that are applicable to the possession of cigarettes without tax stamps.

Under current law, DOR may offset tax refunds against debts owed by a taxpayer to another state agency or to a municipality or county. Current law also authorizes DOR to enter into agreements with the Internal Revenue Service to offset state tax refunds against federal tax obligations and federal tax refunds against state tax obligations. This bill authorizes DOR to enter into agreements with other states to offset tax refunds against another state's tax obligations if the other state agrees to implement an offset program for Wisconsin residents' tax refunds from that other state against tax obligations of this state.

TRANSPORTATION**HIGHWAYS**

Under current law, the building commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed \$1,447,085,500. A major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes at least five miles

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in length to the highway; or improvement of an existing multilane divided highway to freeway standards.

This bill increases the revenue bond limit from \$1,447,085,500 to \$1,743,570,900. The bill also provides that revenue bond proceeds may not exceed 53% of the total funds expended in any fiscal year for major highway projects, beginning with fiscal year 2002-03. Additionally, the bill provides that revenue bond proceeds may be expended for reconstruction of the Marquette interchange, lying at or near the junction of I 94, I 43, and I 794, in Milwaukee County. In addition to the revenue bond limit of \$1,743,570,900 specified above, the building commission may issue revenue bonds for the Marquette interchange reconstruction project in a principal amount that may not exceed \$6,996,600.

Current law requires that any major highway project, unlike other construction projects undertaken by DOT, receive the approval of the transportation projects commission (TPC) and the legislature before the project may be constructed. This bill adds three major highway projects recommended by TPC to the current list of enumerated projects already approved for construction.

This bill appropriates federal moneys to fund reconstruction of the Marquette interchange in Milwaukee County. The bill also provides for a grant from DOT to the city of Milwaukee of up to \$5,000,000 from the state's federal interstate cost estimate (ICE) funds to fund a local roads project to reconstruct West Canal Street to serve as a traffic mitigation corridor in connection with the Marquette interchange reconstruction. DOT may not award the grant unless the city makes a matching contribution from its federal ICE funds equal to the amount of the grant from DOT; the city contributes an additional \$10,000,000 toward the West Canal Street reconstruction project; and, the federal department of transportation approves the use of the federal ICE funds for the project. The bill also requires DOT to award grants totaling \$5,000,000 of state funds to the city of Milwaukee to reconstruct West Canal Street if the city contributes \$10,000,000 toward the West Canal Street reconstruction project.

This bill provides that the maximum state share of costs for the project involving demolition of the abandoned Park East Freeway corridor in Milwaukee County is \$8,000,000, as provided in an agreement between the city of Milwaukee, Milwaukee County, and the state, of which \$6,800,000 is required to be from the state's federal ICE funds. The local share of costs for the project may not be less than \$17,000,000, the amount specified in the agreement between the parties, of which \$14,500,000 is required to be federal ICE funds received by the city or county.

Under the nonentitlement component of the local roads improvement program, DOT currently allocates \$500,000 in each fiscal year to fund eligible town road improvements and \$750,000 in each fiscal year to fund eligible municipal street improvements. This bill requires DOT to make additional allocations of \$529,000 in

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fiscal year 2001-02 and \$1,954,200 in fiscal year 2002-03. These funds may be used for either of these purposes.

DRIVERS AND MOTOR VEHICLES

Currently, a person may not operate a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug (OWI), or improperly refuse to submit to a test to determine his or her blood alcohol concentration. Under current law, if a person commits either of these OWI-related offenses, the person's motor vehicle operating privilege is suspended or revoked for a certain period of time, depending on the number of the person's prior OWI-related convictions, suspensions, or revocations. A person whose operating privilege is suspended or revoked is eligible to apply for an occupational driver's license after a waiting period of between 30 and 120 days, depending on the number of the person's prior OWI-related convictions, suspensions, or revocations. However, a person who has no prior OWI-related convictions, suspensions, or revocations is eligible to apply immediately.

Under current law, if a person is convicted of an OWI-related offense and the person has two or more prior OWI-related convictions, suspensions, or revocations, a court may order that the vehicle owned by the person and involved in the violation or refusal be seized and subject to forfeiture. If the court does not order that the vehicle be seized and subject to forfeiture, the court is required to order that the vehicle be immobilized or equipped with an ignition interlock device.

Beginning on January 1, 2002, a court will not be required to order that the vehicle owned by the person and involved in the violation or refusal be immobilized or equipped with an ignition interlock device even if the court does not order that the vehicle be seized and subject to forfeiture, and even if the person has two or more prior OWI-related convictions, suspensions, or revocations. Rather, the court may, but is not required to, order any of those options.

Also beginning on January 1, 2002, if a person is convicted of an OWI-related offense and the person has one or more prior OWI-related convictions, suspensions, or revocations, the court may, but is not required to, order that the vehicle owned by the person and involved in the violation or refusal be immobilized or equipped with an ignition interlock device.

This bill makes the following changes, beginning on January 1, 2002: 1) if a person is convicted of an OWI-related offense and the person has one or more prior OWI-related convictions, suspensions, or revocations, the court must order that each vehicle owned by the person be immobilized or equipped with an ignition interlock device for a period of not less than one year, and the person is not eligible to apply for an occupational driver's license for one year; and 2) if a person is convicted of an OWI-related offense and the person has two or more prior OWI-related convictions, suspensions, or revocations, the court may order that the vehicle owned by the person and involved in the violation or refusal be seized and subject to forfeiture in lieu of the ignition interlock or immobilization options.

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Under current law, a person who is ordered to pay a fine or a forfeiture (civil monetary penalty) for an OWI violation is required to pay a driver improvement surcharge of \$345. Funds collected from the driver improvement surcharge are used to provide alcohol and other drug abuse services to drivers, to provide chemical-testing training to law enforcement officers, and to fund various state agencies for services related to OWI offenses. This bill increases the driver improvement surcharge from \$345 to \$355.

Under current law, circuit courts and municipal courts may suspend a person's operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. However, circuit courts and municipal courts are not permitted to suspend a person's operating privilege solely because of the person's failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle. This bill permits circuit courts and municipal courts to suspend the operating privilege of a juvenile solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

Current law imposes a six-year redesign cycle for most motor vehicle registration plates, by the end of which DOT must redesign the plates. DOT must issue redesigned plates upon every initial vehicle registration and upon every registration renewal if the vehicle's plate is more than six years old. The first six-year cycle will be completed by July 1, 2005, and DOT will have provided redesigned plates to every vehicle by that date. However, DOT may not redesign or reissue the "Celebrate Children" plates until January 1, 2005. After that date, DOT may redesign and issue those plates upon initial registration or renewal.

This bill creates a seven-year redesign cycle and extends the reissue deadline for each category of registration by one year. The bill requires DOT to wait until July 1, 2007, to redesign plates for three recently designed plates: "Celebrate Children," "Ducks Unlimited," and "professional football team."

Under current law, DOT charges a special license plates fee in addition to the regular registration fee to issue or reissue license plates for certain vehicles that are owned or leased by members of authorized special groups. The fee is \$5, \$10, or \$15, depending on the type of plate, except that there are no fees for special plates for disabled veterans and other persons entitled to use disabled parking spaces, Congressional Medal of Honor awardees, certain former prisoners of war, Somalia War veterans, and registrants interested in endangered resources. This bill directs DOT to charge \$15 for all special plates, except that there continues to be no charge for special plates for disabled veterans and other disabled persons, Congressional Medal of Honor awardees, and certain former prisoners of war.

Under current law, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain limits on size, weight, or load unless that person possesses a permit issued by DOT. The fees for certain single trip, annual, consecutive month, and multiple trip permits issued by DOT are 10% higher than

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the usual rates for the period beginning on January 1, 2000, and ending on June 30, 2003, after which time the fees revert to their previous amounts. This bill delays the sunset date of the permit fee increases from June 30, 2003, to December 31, 2007.

Under current law, DOT charges \$3 for any of the following: a single file search or computerized search of vehicle operating records, a single vehicle operating record contained on computer tape or other electronic media, or a single record of uniform traffic citations or motor vehicle accidents contained on computer tape or other electronic media. DOT charges \$4 to search a single operating record requested by telephone.

In addition, under current law an employer of any person who operates a commercial motor vehicle (a commercial driver) may register any commercial driver employed by the employer on a list maintained by DOT. DOT notifies the employer of any conviction, suspension, revocation, cancellation, disqualification, or out-of-service order against that driver. DOT charges \$3 for each notification that it provides to the employer. This bill increases each of the specified fees by \$2.

Current law requires any motor vehicle that is subject to an emissions test to undergo the test within 90 days before the vehicle's registration is renewed in the second year after the vehicle's model year and every two years thereafter. This bill removes the 90-day requirement and allows DOT to determine when those vehicles will be presented for testing.

TRANSPORTATION AIDS

Under current law, DOT makes general transportation aids payments to a county based on a share-of-costs formula, and to a city, village, or town (municipality) based on the greater of a share-of-costs formula for municipalities or an aid rate per road mile, which is \$1,704 for calendar year 2000 and thereafter. This bill increases the aid rate per road mile to \$1,747 for calendar year 2001 and \$1,790 for calendar year 2002 and thereafter.

This bill increases the maximum amount of general transportation aids that may be paid to counties from the current limit of \$84,059,500 to \$88,598,700 in calendar year 2002 and \$89,239,300 in calendar year 2003 and thereafter. The bill also increases the maximum amount of aid that may be paid to municipalities under the program from the current limit of \$264,461,500 to \$277,684,500 in calendar year 2002 and \$277,907,200 in calendar year 2003 and thereafter.

Under current law, DOT administers an urban mass transit operating assistance program that provides state aid to local public bodies in urban areas served by mass transit systems to assist with the expenses of operating those systems. Aid paid for mass transit systems that have annual operating expenses of less than \$20,000,000 is determined under a formula. Under the formula, DOT makes state aid payments in amounts sufficient to ensure that the combination of state and federal aids contributed toward the operating expenses of an urban mass transit system equals the uniform percentage established by DOT for each of the two

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smaller classes of mass transit system. The two smaller classes are: 1) mass transit systems serving urban areas having a population of 50,000 or more but having annual operating expenses of less than \$20,000,000 (Tier B systems); and 2) mass transit systems serving urban areas having a population of less than 50,000 (Tier C systems). "Operating expenses" used in this aid formula are based on actual operating costs from the second preceding year, with adjustments for the projected expenses of new services, for which historical cost data is not available.

This bill deletes the requirement that annual transit aid payments for Tier B and Tier C systems be made based on actual operating costs from the second preceding year. The bill requires that annual state transit aid payments for Tier B and Tier C systems be based on estimated operating costs for that year, effective with calendar year 2001 payments.

The bill also increases the total amount of state aid payments to each class of mass transit system, as follows:

1. For a mass transit system having annual operating expenses in excess of \$80,000,000 (Tier A-1 system), from \$53,555,600 in calendar year 2000 to \$54,894,500 in calendar year 2001 and thereafter.

2. For a mass transit system having annual operating expenses of at least \$20,000,000 but less than \$80,000,000 (Tier A-2 system), from \$14,297,600 in calendar year 2000 to \$14,655,000 in calendar year 2001 and thereafter.

3. For Tier B systems, from \$19,804,200 in calendar year 2000 to \$20,299,300 in calendar year 2001 and thereafter.

4. For Tier C systems, from \$5,349,100 in calendar year 2000 to \$5,482,800 in calendar year 2001 and thereafter.

The bill requires DOT to make supplemental mass transit aid payments in any calendar year for any eligible urban mass transit system for whom the percentage increase in the average cost per passenger trip in the preceding calendar year did not exceed the percentage increase in the consumer price index for that calendar year. DOT must distribute supplemental mass transit aid payments for similar urban mass transit systems on a proportionate basis according to annual ridership on each urban mass transit system during the preceding calendar year.

Under current law, DOT administers a Transportation Facilities Economic Assistance and Development Program. Under the program, DOT may improve a highway, airport, or harbor, or provide other assistance for the improvement of those transportation facilities or certain rail property or railroad tracks, as part of a major economic development project. DOT may also make loans for the improvement of any of these transportation facilities. This bill renames the program the Tommy G. Thompson Transportation Economic Assistance Program.

SENATE BILL 55**RAIL AND AIR TRANSPORTATION**

This bill increases the authorized general obligation bonding limit for the acquisition and improvement by DOT of rail property from \$23,500,000 to \$28,000,000.

Under current law, with certain exceptions, a property owner is immune from liability for damages occurring on the property while a person is engaged in a recreational activity on the property.

This bill creates an immunity from civil liability for any property owner upon which a rails-with-trails trail is located and for any railroad that operates within an active rail corridor upon which a rails-with-trails trail is located for the death, injury, or property damage resulting from an individual's use of a rails-with-trails trail, regardless of whether the death, injury, or property damage occurred in connection with a recreational activity or occurred on public or private property. Under the bill, a rails-with-trails trail is a strip of land that is located partly or fully within an active rail corridor and is identified in an agreement entered into by a railroad that operates within that rail corridor and a person that is sponsoring and maintaining the strip of land for the use of individuals for purposes specified in the agreement. The immunity does not apply to deaths, injuries, or property damage caused by the property owner's or railroad's willful or wanton acts or omissions.

OTHER TRANSPORTATION

This bill increases the authorized general obligation bonding limit for grants awarded by DOT for harbor improvements from \$22,000,000 to \$25,000,000.

This bill authorizes DOT to award grants to a local professional football stadium district, which is a special purpose district, in each county with a population of more than 150,000 that includes the principal site of an existing, or to be constructed, league-approved home stadium for a professional football team. Under the bill, no grant may be awarded after June 30, 2002.

Under current law, DOT administers a program that distributes federal funds for congestion mitigation and air quality improvement projects. Currently, federal law requires a local matching contribution equal to 20% of the cost of a project. This bill requires DOT to award a grant of \$420,700 to the city of Kenosha to provide 50% of the local matching contribution required for a congestion mitigation and air quality improvement project for a parking facility in the city of Kenosha. As a condition of receiving the grant, the city of Kenosha must provide matching funds for the project.

Under current law, DOT administers the Safe-Ride Grant Program, under which DOT provides grants to municipalities and nonprofit corporations to cover the costs of transporting persons who have a prohibited alcohol concentration from premises that are licensed to sell alcohol beverages to their places of residence. The program is funded with moneys from the driver improvement surcharge, which is

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collected from each person who is ordered to pay a fine or forfeiture for operating a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug. A portion of the surcharge is forwarded to the state and 3.76% of the state's portion is appropriated to DOT for the Safe-Ride Grant Program.

This bill eliminates the requirement that 3.76% of the state's portion of the driver improvement surcharge be used to fund the Safe-Ride Grant Program. Under the bill, the secretary of administration may use unencumbered driver improvement surcharge moneys to fund the program after consulting with the secretaries of health and family services and transportation, the superintendent of public instruction, the attorney general, and the president of the UW System.

Under current law, DOT administers a program to reduce the number of automobile trips, especially during peak hours of traffic, and to encourage the shared use of motor vehicles by two or more individuals to or from their places of work or postsecondary school. Under the program, DOT awards grants for the development and implementation of demand management or ride-sharing programs.

This bill makes job access and employment transportation assistance eligible under the program and adds to the program a stated purpose of enhancing the success of welfare-to-work programs.

This bill permits DOT to enter into agreements to accept telecommunications services or any plant or equipment used for telecommunications services as payment for the accommodation of a utility facility within a highway right-of-way.

Under current law, DOT may impose a fee for security and traffic enforcement services provided by the state traffic patrol at any public event that charges spectators an admission fee and that is organized by a private organization. This bill allows DOT to charge a fee for such services at any such event that is publicly or privately organized. The bill allows DOT to charge a fee for security and traffic enforcement services requested by a person who is installing, inspecting, removing, relocating, or repairing a utility facility that lies within a highway right-of-way.

Current federal law requires DOT to pay specified percentages of expenditures for highway construction projects to disadvantaged business enterprises. A "disadvantaged business enterprise" is a business that is at least 51% owned, controlled, and actively managed by minority group members, women, or other individuals found to be socially and economically disadvantaged, or by a combination of such individuals. Current federal law also prohibits DOT from discriminating on the basis of race, color, national origin, or sex in the award of any construction contract that is paid for in part using federal funds.

To determine compliance with these requirements and prohibitions, federal law requires DOT to collect and submit to the federal department of transportation data concerning the ownership of businesses that bid for construction contracts let by DOT, and other financial information pertaining to such businesses and their

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owners. Federal law generally requires DOT to keep confidential such information submitted to it by a disadvantaged business enterprise.

This bill requires DOT to keep confidential certain information requested by DOT for purposes of determining or demonstrating compliance with the federal requirements and prohibitions described above. The information required to be kept confidential consists of information relating to an individual's statement of net worth, a statement of experience, and a company's financial statement, including the gross receipts of a bidder. The bill contains exceptions to allow DOT to disclose the information to the federal department of transportation, to the person to whom the information relates, and to persons having the written consent of that person.

Under current law, DOT administers a Minority Civil Engineer Scholarship and Loan Repayment Incentive Program to foster minority training and employment in civil engineering. DOT may award scholarships to minorities enrolled full time in a bachelor of science degree program in civil engineering, and may award loan repayment grants to minority civil engineers who are employed by DOT and have education loans outstanding.

This bill authorizes DOT to award scholarships to other targeted group members enrolled full time in any accredited bachelor degree program, or in any associate degree program or vocational diploma program at a technical college. Under the bill, a targeted group member is a person with a disability or any member of a class whose race, color, or sex is employed less in any job classification in DOT than is available in the statewide labor market. The bill also allows DOT to award loan repayment grants to targeted group members who are employed by DOT and have education loans outstanding.

VETERANS AND MILITARY AFFAIRS**VETERANS**

Currently, under the Veteran's Housing Loan Program, a veteran who meets certain requirements is eligible for a primary mortgage loan. Current law requires a veteran to apply for a primary mortgage loan through a DVA-approved financial institution (authorized lender). The authorized lender evaluates the veteran's credit worthiness. DVA also reviews the loan application to ensure that the veteran meets other requirements of the loan program. If the application is approved by both the authorized lender and DVA, the authorized lender makes the loan and then performs loan-servicing activities, such as collecting the veteran's monthly mortgage payment, forwarding these payments to DVA, and collecting delinquent payments. Before forwarding a monthly mortgage payment to DVA, an authorized lender may deduct from the veteran's monthly mortgage payment a monthly fee for performing loan-servicing activities.

Also under current law, as a condition of receiving a loan, a veteran must pay to the authorized lender a monthly escrow payment for the payment of real estate taxes and casualty insurance premiums. Current law requires the authorized lender to hold these payments in escrow and then pay to the city and the insurance company the amounts due or the amount escrowed, whichever is less.

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Finally, under the loan program, a veteran must have adequate fire and extended coverage insurance. Current law requires that these insurance policies name the authorized lender as an insured.

This bill permits DVA to perform loan-servicing activities for any loans made under the Veteran's Housing Loan Program and to purchase from authorized lenders the rights to service loans that are made under the program.

The bill funds both the loan-servicing activities and the purchase of servicing rights with moneys from the veterans mortgage loan repayment fund but restricts the expenditure or encumbrance of these moneys until after DVA and DOA develop a plan for the most cost-effective method of servicing the loans.

The bill also permits DVA to hold in escrow monthly payments paid by a veteran for real estate taxes and casualty insurance premiums. The bill requires an authorized lender or, if DVA holds the payments in escrow, DVA to pay the amounts due for real estate taxes and insurance premiums regardless of whether the amount held in escrow is sufficient to cover the amounts due. If the amount held in escrow is insufficient to pay the amounts due, the lender or DVA, after paying the amounts due, must recover the balance from the veteran. If the amount held in escrow is more than the amounts due, the lender or DVA, after paying the amounts due, is required to pay the balance to the veteran. Under the bill, DVA may not begin holding monthly escrow payments until the plan for the most cost-effective method of servicing the loans is completed by DVA and DOA.

Currently, veterans who receive a primary mortgage loan under the Veteran's Housing Loan Program must pay the authorized lender an origination fee at the time of closing. This bill requires DVA to pay to authorized lenders, on behalf of disabled veterans who have received from the federal department of veterans affairs at least a 30% connected service disability rating, any origination fees.

Currently, an eligible veteran may receive a home improvement loan of up to \$25,000 under the Veteran's Housing Loan Program. This bill specifies that a veteran may use a home improvement loan to remove or otherwise alter existing home improvements that were made to improve the accessibility of the home for a disabled individual.

Under current federal law, veterans and war orphans may receive federal benefits to cover the costs of training and education at certain approved schools or through certain approved courses of instruction. Federal law delegates the authority to approve these schools and courses of instruction to state agencies. Under current state law, the educational approval board (EAB), which is attached to DVA, approves these schools and courses of instruction. This bill eliminates the authority of EAB to approve the schools and courses of instruction for the training and education of veterans and war orphans and authorizes DVA to approve these schools and courses.

Currently, under the Veterans' Tuition and Fee Reimbursement Program, DVA reimburses eligible veterans up to 65%, or, in the case of certain disabled veterans,

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100%, of the tuition and fees incurred by the veteran while a full-time student at a state institution of higher education or at any institution for which the veteran received a tuition waiver under the Minnesota-Wisconsin student reciprocity agreement. For purposes of calculating the amount of a reimbursement, any grants or scholarships received by the veteran are subtracted from the total tuition and fees incurred by the veteran.

Under the current Part-Time Study Grant Program, DVA reimburses eligible veterans up to 65%, or, in the case of certain disabled veterans, 100%, of the cost of tuition and fees incurred by the veteran for a correspondence course or part-time classroom study at a state institution of higher education, at any public or private high school, or at an institution of higher education that is located outside the state, if the course is not offered in the state, is not offered within 50 miles of the veteran's home, and is not located more than 50 miles from the state boundary line. The reimbursement under either of the above programs may not exceed 65%, and, in the case of certain disabled veterans, 100%, of the standard cost for a state resident at the University of Wisconsin-Madison.

This bill increases the amount an eligible veteran may be reimbursed under either program to 100% of the tuition and fees incurred by the veteran minus any grants or scholarships received by the veteran. The bill also increases the maximum amount of a grant for all eligible veterans under both programs to 100% of the standard cost for a state resident at the University of Wisconsin-Madison. The bill also permits a veteran to receive reimbursement under both programs for tuition and fees incurred by the veteran while a student at a proprietary school that has been approved by EAB or at a school approved by DVA under its authority to approve schools and courses for veterans and war orphans.

Under current law, as a condition of eligibility for most veterans benefit programs, a veteran must have been a resident of this state upon entering or reentering military service or have been a resident of this state for any period of five consecutive years. The same residency requirement applies to veterans who are applying for admission to the Wisconsin Veterans Home at King (WVHK) or the Southern Wisconsin Veterans Retirement Center (SWVRC). In addition, the spouse of a veteran or a parent of a veteran is eligible for admission to WVHK or SWVRC if he or she has been a resident of this state for the five years preceding the date of his or her application for admission. WVHK and SWVRC provide residential treatment and nursing home care to veterans and the spouses and parents of veterans.

Under this bill, a veteran is eligible for those veterans benefit programs that currently have a residency requirement and for admission to WVHK or SWVRC if the veteran was a resident of this state upon entering or reentering military service or has been a resident of this state for any period of 12 consecutive months. Also, under the bill, a spouse or parent of a veteran is eligible for admission to WVHK or SWVRC, if he or she has been a resident of this state for the 12 months preceding the date of his or her application for admission.

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Currently, under the Veterans Retraining Grant Program, DVA awards employment retraining grants of up to \$3,000 to eligible veterans who are unemployed, underemployed, or who have received a notice of termination of employment. As a condition of eligibility for a retraining grant, a veteran must be enrolled in a proprietary school that is approved by EAB, other than a proprietary school that offers four-year degrees or four-year programs, be enrolled in a technical college training course, or be engaged in a structured on-the-job training program. This bill permits DVA to pay a retraining grant to a veteran's employer, on behalf of the veteran, if the veteran is engaged in a structured on-the-job training program and is otherwise eligible for the retraining grant program.

This bill requires DVA to pay \$100,000 annually to the Wisconsin department of the Disabled American Veterans to provide transportation services to veterans.

MILITARY AFFAIRS

Under current law, the Wisconsin national guard is composed of the army and air national guard. Current law also allows the adjutant general to establish and organize a state defense force if the national guard is called into the service of the United States. This bill creates a Wisconsin naval militia, which will be under the control of the adjutant general and will be subject to the same policies and procedures as the other military components.

Under current law, regional emergency response teams have been established to respond to a "Level A" release, which is a release of a hazardous substance that necessitates the highest level of protective equipment for the skin and respiratory systems of emergency response personnel. Local emergency response teams are required to respond to a "Level B" release, which is a release of a hazardous substance that necessitates the highest level of protective equipment for the respiratory systems of emergency response personnel but less skin protection than a "Level A" release.

The division of emergency management in DMA (division) is currently required to promulgate rules regarding the duties of local and regional emergency response teams and the governmental units that employ those teams. The division also awards grants for the cost of such duties and reimburses the teams for unreimbursed costs that are incurred in responding to a release. Emergency response teams are required to make a good faith effort to identify the person who is responsible for the hazardous substance release and to determine if that person is financially able to reimburse the team for its expenses. Currently, a person who is financially able to reimburse the team for expenses incurred in responding to the release is required to reimburse those expenses.

Under this bill, the division must establish the procedures that the emergency response teams must follow to determine if an emergency that requires a team's response exists as the result of a release or potential release of a hazardous substance. Under the bill, the division must reimburse regional and local emergency response teams for costs incurred in responding to an emergency that results from

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a potential release if procedures have been developed to determine if an emergency exists. A person may be required to reimburse a team for expenses incurred in responding to an emergency that results from a potential release if the team has developed the procedures to determine if an emergency exists.

This bill requires that regional emergency response teams have members that meet the highest standards required under federal law and the National Fire Protection Association and that are trained in each of the appropriate specialty areas under the National Fire Protection Association standard. The bill also requires regional emergency response teams to file annual financial reports with the adjutant general.

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.

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

1 **SECTION 1.** 5.02 (1) of the statutes is renumbered 5.02 (1c).

2 **SECTION 2.** 5.02 (1a) of the statutes is created to read:

3 **5.02 (1a)** “Alternate identification,” when used in reference to any individual,
4 means any identification card other than preferred identification that contains the
5 photograph and current street address of the individual.

6 **SECTION 3.** 5.02 (15m) of the statutes is created to read:

7 **5.02 (15m)** “Preferred identification,” when used in reference to any
8 individual, means a valid operator’s license issued to the individual under ch. 343
9 that contains the photograph and current street address of the individual or a valid
10 identification card issued to the individual under s. 343.50 that contains the current
11 street address of the individual.

12 **SECTION 4.** 5.02 (17) of the statutes is amended to read:

SENATE BILL 55**SECTION 4**

1 5.02 (17) "Registration list" means the list of electors who are properly
2 registered to vote ~~in municipalities in which registration is required.~~

3 **SECTION 5.** 5.05 (1) (f) of the statutes is amended to read:

4 5.05 (1) (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the
5 purpose of promoting the efficient and fair conduct of elections, interpreting or
6 implementing the laws regulating the conduct of elections or election campaigns or
7 ensuring their proper administration.

8 **SECTION 6.** 5.05 (8) of the statutes is created to read:

9 5.05 (8) TRAINING OF OBSERVERS AT POLLING PLACES. The board shall conduct
10 training programs to enable individuals exercising the right of access to polling
11 places under s. 7.41 (1) to inform themselves concerning the election laws, the
12 procedures for conducting elections, and the rights of individuals who observe
13 election proceedings. The board may charge participants in any programs for the
14 cost of conducting the programs.

15 **SECTION 7.** 5.05 (10) of the statutes is created to read:

16 5.05 (10) GRANTS TO COUNTIES AND MUNICIPALITIES. From the appropriation
17 under s. 20.510 (1) (d), the board shall provide grants to counties and municipalities
18 that apply for assistance to finance the cost of maintenance of the elector registration
19 list under s. 6.33 (5). The board shall, by rule, prescribe an application procedure and
20 an equitable method for allocation of grant moneys among counties and
21 municipalities who apply for grants under this subsection.

22 **SECTION 8.** 5.15 (6) (b) of the statutes is amended to read:

23 5.15 (6) (b) No later than 60 days before each September primary and general
24 election, and no later than 30 days before each other election the governing body of
25 any municipality may by resolution combine 2 or more wards for voting purposes to

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1 facilitate using a common polling place. Whenever wards are so combined, the
2 original ward numbers shall continue to be utilized for all official purposes. Except
3 as otherwise authorized under this paragraph, every municipality having a
4 population of 35,000 or more shall maintain separate returns for each ward so
5 combined. In municipalities having a population of less than 35,000, the governing
6 body may provide in the resolution that returns shall be maintained only for each
7 group of combined wards at any election. Whenever a governing body provides for
8 common ballot boxes and ballots or voting machines, separate returns shall be
9 maintained for each separate ballot required under ss. 5.62 and 5.64 at the
10 September primary and general election. The municipal clerk shall transmit a copy
11 of the resolution to the county clerk of each county in which the municipality is
12 contained. In municipalities having a population of less than 35,000, the resolution
13 shall remain in effect for each election until modified or rescinded, or until a new
14 division is made under this section. Whenever a municipality combines wards or
15 discontinues any ward combination under this paragraph, the municipal clerk shall
16 promptly notify the board in writing or by electronic transmission.

17 **SECTION 9.** 5.40 (6) of the statutes is amended to read:

18 5.40 (6) A municipality which utilizes voting machines or an electronic voting
19 system at a polling place may permit use of the machines or system by electors voting
20 under s. 6.15 only as authorized under s. 6.15 (3) (b).

21 **SECTION 10.** 6.15 (2) (title) of the statutes is amended to read:

22 6.15 (2) (title) ~~APPLICATION FOR BALLOT~~ PROCEDURE AT CLERK'S OFFICE.

23 **SECTION 11.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

24 6.15 (2) (a) (intro.) The elector's request for the application form may be made
25 to the proper municipal clerk either in person or in writing ~~any time during the~~

SENATE BILL 55**SECTION 11**

1 ~~10-day period in which the elector's residence requirement is incomplete, but not~~
2 ~~later than the applicable deadline for making application for an absentee ballot.~~
3 Except as provided in par. (e), application may be made not sooner than 9 days nor
4 later than 5 p.m. on the day before the election, or may be made at the proper polling
5 place in for the ward or election district in which the elector resides. The application
6 form shall be returned to the municipal clerk after the affidavit has been signed in
7 the presence of the clerk or any officer authorized by law to administer oaths. The
8 affidavit shall be in substantially the following form:

9 **SECTION 12.** 6.15 (2) (bm) of the statutes is created to read:

10 6.15 (2) (bm) When making application in person at the office of the municipal
11 clerk, each applicant shall present preferred identification or, if the applicant is
12 unable to present preferred identification, the applicant shall present alternate
13 identification. If the applicant is unable to present preferred or alternate
14 identification, the applicant shall present any identification card that contains the
15 name and photograph of the applicant and an identification number. If the applicant
16 is unable to present any identification authorized under this paragraph, the
17 application information may be corroborated in a statement that is signed by any
18 other elector who resides in the municipality and who has not, during that day,
19 corroborated the identity of more than one other person and that contains the current
20 street address of the corroborator. The corroborator shall then provide identification
21 in the same manner as if the corroborator were applying for a ballot under this
22 paragraph. The clerk shall record on the application form, for any applicant who is
23 unable to present preferred or alternate identification, the type of identification the
24 applicant is able to present, if any, and the identifying number contained in that
25 identification.

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1 **SECTION 13.** 6.15 (2) (d) 1g. of the statutes is created to read:

2 6.15 (2) (d) 1g. Except as otherwise provided in this subdivision, if the elector
3 makes application in person at the office of the municipal clerk, the clerk shall verify
4 that the name and address on the identification provided by the elector under par.
5 (bm) or the name and address corroborated under par. (bm) are the same as the name
6 and address on the elector's application and shall verify that the photograph
7 contained in the identification reasonably resembles the elector. If the elector
8 presents an identification card that is not preferred or alternate identification or that
9 contains an address different from that on the application, the clerk shall verify that
10 the name and identifying number on the identification card are the same as the
11 person's name on the application and the identifying number on any identification
12 card that the person's application indicates he or she is able to present. If the person's
13 application does not indicate that he or she is able to present an identification card
14 or if the identifying number on the identification card is different from the
15 identifying number indicated in the person's application, the clerk shall record the
16 type of identification and the identifying number contained in that identification.

17 **SECTION 14.** 6.15 (2) (e) of the statutes is created to read:

18 6.15 (2) (e) If the elector makes application in writing but does not appear in
19 person, and the clerk receives a properly completed application and cancellation card
20 from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be
21 mailed, the application must be received no later than 5 p.m. on the Friday before
22 the election. In order to be counted, the ballot must be received by the municipal
23 clerk no later than 5 p.m. on the day before the election.

24 **SECTION 15.** 6.15 (3) (a) (title) of the statutes is repealed.

SENATE BILL 55**SECTION 16**

1 **SECTION 16.** 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2) (d)
2 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

3 6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,
4 and verification and recording of the elector's identification under subd. 1g., if
5 required, the municipal clerk shall inform the elector that he or she may vote for the
6 presidential electors not sooner than 9 days nor later than 5 p.m. on the day before
7 the election at the office of the municipal clerk, or at a specified polling place on
8 election day. When voting at the municipal clerk's office, the applicant shall provide
9 identification and permit the elector to cast his or her ballot for president and vice
10 president. The elector shall then mark or punch the ballot in the clerk's presence in
11 a manner that will not disclose his or her vote. Unless the ballot is utilized with an
12 electronic voting system, the applicant elector shall fold the ballot so as to conceal
13 his or her vote. The applicant elector shall then deposit the ballot and seal it in an
14 envelope furnished by the clerk.

15 **SECTION 17.** 6.15 (3) (b) (title) of the statutes is repealed.

16 **SECTION 18.** 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended to
17 read:

18 6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE. An eligible elector
19 may appear at the polling place for the ward or election district where he or she
20 resides and make application for a ballot under sub. (2). ~~In such case, the inspector~~
21 ~~or special registration deputy~~ Except as otherwise provided in this subsection, an
22 elector who casts a ballot under this subsection shall follow the same procedure
23 required for casting a ballot at the municipal clerk's office under sub. (2). The
24 inspectors shall perform the duties of the municipal clerk. ~~The elector shall provide~~
25 ~~identification. If the elector is qualified, he or she shall be permitted to vote~~ except

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1 that the inspectors shall return the cancellation card under sub. (2) (b) to the
2 municipal clerk and the clerk shall forward the card as provided under sub. (2) (c)
3 if required. Upon proper completion of the application and cancellation card and
4 verification and recording of elector's identification under sub. (2) (d) 1g., the
5 inspectors shall permit the elector to cast his or her ballot for president and vice
6 president. The elector shall then mark or punch the ballot and, unless the ballot is
7 utilized with an electronic voting system, the elector shall fold the ballot, and shall
8 deposit the ballot into the ballot box or give it to the inspector. The inspector shall
9 deposit it directly into the ballot box. Voting machines or ballots utilized with
10 electronic voting systems may be used by electors voting under this section if they
11 permit voting for president and vice president only.

12 **SECTION 19.** 6.20 of the statutes is amended to read:

13 **6.20 Absent electors.** Any qualified elector of this state who registers where
14 required may vote by absentee ballot under ss. 6.84 to 6.89.

15 **SECTION 20.** 6.24 (3) of the statutes is amended to read:

16 **6.24 (3) REGISTRATION.** ~~If registration is required in the municipality where the~~
17 ~~The overseas elector resided or where the overseas elector's parent resided, the~~
18 elector shall register in the municipality where he or she was last domiciled or where
19 the overseas elector's parent was last domiciled on a form prescribed by the board
20 designed to ascertain the elector's qualifications under this section. The form shall
21 be substantially similar to the original form under s. 6.33 (1), insofar as applicable.
22 Registration shall be accomplished in accordance with s. 6.30 (4).

23 **SECTION 21.** 6.24 (4) (a) of the statutes is amended to read:

24 **6.24 (4) (a)** An overseas elector who is properly registered where registration
25 is required may request an absentee ballot in writing under ss. 6.86 to 6.89.

SENATE BILL 55**SECTION 22**

1 **SECTION 22.** 6.24 (4) (c) of the statutes is amended to read:

2 6.24 (4) (c) Upon receipt of a timely application from an individual who
3 qualifies as an overseas elector and who has registered to vote in a municipality
4 under sub. (3) ~~whenever registration is required in that municipality~~, the municipal
5 clerk of the municipality shall send an absentee ballot to the individual for all
6 subsequent elections for national office to be held during the year in which the ballot
7 is requested, unless the individual otherwise requests or until the individual no
8 longer qualifies as an overseas elector.

9 **SECTION 23.** 6.24 (8) of the statutes is repealed.

10 **SECTION 24.** 6.27 (1) of the statutes is renumbered 6.27 and amended to read:

11 **6.27 Where elector Elector registration required.** Every municipality
12 ~~over 5,000 population shall keep a registration list consisting of all currently~~
13 ~~registered electors. Where used, registration applies to~~ Registration is required in
14 every municipality for all elections.

15 **SECTION 25.** 6.27 (2) to (5) of the statutes are repealed.

16 **SECTION 26.** 6.28 (1) of the statutes is amended to read:

17 6.28 (1) **REGISTRATION LOCATIONS; DEADLINE.** Except as authorized in ss. 6.29 and
18 6.55 (2), registration in person for any election shall close at 5 p.m. on the 2nd
19 Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must
20 be delivered to the office of the municipal clerk or postmarked no later than the 2nd
21 Wednesday preceding the election. An application for registration in person or by
22 mail may be accepted for placement on the registration list after the specified
23 deadline, if the municipal clerk determines that the registration list can be revised
24 to incorporate the registration in time for the election. All applications for
25 registration corrections and additions may be made throughout the year at the office

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1 of the city board of election commissioners, at the office of the municipal clerk, at the
2 office of any register of deeds or at other locations provided by the board of election
3 commissioners or the common council in cities over 500,000 population or by either
4 or both the municipal clerk, or the common council, village or town board in all other
5 municipalities and may also be made during the school year at any high school by
6 qualified persons under sub. (2) (a). Other registration locations may include but are
7 not limited to fire houses, police stations, public libraries, institutions of higher
8 education, supermarkets, community centers, plants and factories, banks, savings
9 and loan associations and savings banks. Special registration deputies shall be
10 appointed for all locations. An elector who registers under this section and who
11 wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of
12 the municipal clerk of the municipality where the elector resides.

13 **SECTION 27.** 6.28 (2) (b) of the statutes is amended to read:

14 6.28 (2) (b) The municipal clerk of each municipality ~~in which elector~~
15 ~~registration is required~~ shall notify the school board of each school district in which
16 the municipality is located that high schools shall be used for registration pursuant
17 to par. (a). The school board and the municipal clerk shall agree upon the
18 appointment of at least one qualified elector at each high school as a special school
19 registration deputy. The municipal clerk shall appoint such person as a school
20 registration deputy and explain the person's duties and responsibilities. Students
21 and staff may register at the high school on any day that classes are regularly held.
22 The school registration deputies shall promptly forward properly completed
23 registration forms to the municipal clerk of the municipality in which the registering
24 student or staff member resides. The municipal clerk, upon receiving such
25 registration forms, shall add all those registering electors who have met the

SENATE BILL 55**SECTION 27**

1 registration requirements to the registration list. The municipal clerk may reject
2 any registration form and shall promptly notify the person whose registration is
3 rejected of the rejection and the reason therefor. A person whose registration is
4 rejected may reapply for registration if he or she is qualified. The form of each high
5 school student who is qualified and will be eligible to vote at the next election shall
6 be filed in such a way that when a student attains the age of 18 years the student is
7 registered to vote automatically. Each school board shall assure that the principal
8 of every high school communicates elector registration information to students.

9 **SECTION 28.** 6.28 (3) of the statutes is amended to read:

10 6.28 (3) AT OFFICE OF REGISTER OF DEEDS. Any person ~~who resides in a~~
11 ~~municipality requiring registration of electors~~ shall be given an opportunity to
12 register to vote at the office of the register of deeds for the county in which the
13 person's residence is located. An applicant may fill out the required registration form
14 under s. 6.33. Upon receipt of a completed form, the register of deeds shall forward
15 the form within 5 days to the appropriate municipal clerk, or to the board of election
16 commissioners in cities over 500,000 population. The register of deeds shall forward
17 the form immediately whenever registration closes within 5 days of receipt.

18 **SECTION 29.** 6.29 (1) of the statutes is amended to read:

19 6.29 (1) No names may be added to a registration list for any election after the
20 close of registration, except as authorized under this section or s. 6.28 (1) or 6.55 (2).
21 Any person whose name is not on the registration list but who is otherwise a qualified
22 elector is entitled to vote at the election upon compliance with this section, if the
23 person complies with all other requirements for voting at the polling place.

24 **SECTION 30.** 6.29 (2) (a) of the statutes is amended to read:

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1 6.29 (2) (a) Any qualified elector of a municipality ~~where registration is~~
2 required who has not previously filed a registration form or whose name does not
3 appear on the registration list of the municipality ~~shall be entitled to vote at the~~
4 election if ~~he or she delivers to the municipal clerk~~ may register after the close of
5 registration but not later than 5 p.m. of the day before an election at the office of the
6 municipal clerk or at the office of the county clerk if the county clerk is acting as the
7 agent of the municipal clerk for electronic entry of registration changes under s. 6.33
8 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2), a
9 registration form executed by the elector. The form shall contain a certification by
10 the elector that all statements are true and correct. Alternatively, if the elector
11 cannot obtain a registration form, the elector may deliver a statement, signed by the
12 elector, containing all of the information required on the registration form containing
13 all information required under s. 6.33 (1). The elector shall present preferred
14 identification or, if the elector is unable to present preferred identification, the
15 elector shall present alternate identification. If the elector is unable to present
16 preferred or alternate identification, the elector shall present any identification card
17 that contains the name and photograph of the elector and an identifying number. If
18 any identification presented by the elector is not acceptable proof of residence as
19 provided in under s. 6.55 (7), the elector shall also present acceptable proof of
20 residence. If no proof is presented the elector is unable to present any identification
21 authorized under this paragraph or acceptable proof of residence under s. 6.55 (7),
22 the information contained in the registration form or the listing of required
23 information shall be substantiated corroborated in a statement that is signed by one
24 any other elector of the municipality, corroborating all the material statements
25 therein who has not, during that day, corroborated the registration information of

SENATE BILL 55**SECTION 30**

1 more than one other elector and that contains the current street address of the
2 corroborating elector. The corroborating elector shall then provide identification in
3 the same manner as if the corroborating elector were registering under this
4 paragraph and acceptable proof of residence under s. 6.55 (7). ~~The signing of the form~~
5 ~~by the registering elector and statement by the corroborating elector shall be done~~
6 ~~in the presence of the municipal clerk or deputy clerk not later than 5 p.m. of the day~~
7 ~~before an election.~~

8 **SECTION 31.** 6.29 (2) (b) of the statutes is amended to read:

9 6.29 (2) (b) ~~Upon~~ Unless the municipal clerk determines that the registration
10 list will be revised to incorporate the registration in time for the election, upon the
11 filing of the registration form required by this section, the municipal clerk, or the
12 county clerk if designated under s. 6.33 (5) (b), shall issue a certificate addressed to
13 the inspectors of the proper ward or election district directing that the elector be
14 permitted to cast his or her vote, unless the clerk determines that the registration
15 list will be revised to incorporate the registration in time for the election if the elector
16 complies with all requirements for voting at the polling place. The certificate shall
17 be numbered serially, prepared in duplicate and one copy preserved in the office of
18 the municipal clerk. The certificate shall indicate the name and address of the
19 elector and, if the elector is unable to present preferred or alternate identification,
20 the certificate shall indicate the type of identification, if any, the elector is able to
21 present and the identifying number contained in that identification.

22 **SECTION 32.** 6.33 (title) of the statutes is amended to read:

23 **6.33 (title) Registration forms; manner of completing.**

24 **SECTION 33.** 6.33 (1) of the statutes is amended to read:

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1 6.33 (1) The municipal clerk shall supply sufficient registration forms as
2 prescribed by the board printed on loose-leaf sheets or cards to obtain from each
3 applicant information as to name, date, residence location, citizenship, age, whether
4 the applicant has resided within the ward or election district for at least 10 days,
5 whether the applicant has lost his or her right to vote, and whether the applicant is
6 currently registered to vote at any other location, and shall provide a space for the
7 applicant's signature and the ward and aldermanic district, if any, where the elector
8 resides. The forms shall also include a space for where the clerk, issuing officer, or
9 registration deputy may record, for any applicant under s. 6.29 (2) or 6.55 (2) who is
10 unable to present preferred or alternate identification, the type of identification
11 serial, if any, the applicant is able to present and the identifying number of any
12 elector who is issued such a number under s. 6.47 (3) contained in that identification.
13 The forms shall also include a space where the clerk, issuing officer, or registration
14 deputy, for any applicant who possesses a valid voting identification card issued to
15 the person under s. 6.47 (3), may record the identification serial number appearing
16 on the voting identification card and shall include a space for any other information
17 prescribed by rule of the board. Each register of deeds shall obtain sufficient
18 registration forms at the expense of the unit of government by which he or she is
19 employed for completion by any elector who desires to register to vote at the office
20 of the register of deeds under s. 6.28 (3).

21 **SECTION 34.** 6.33 (2) (a) of the statutes is amended to read:

22 6.33 (2) (a) The All information may be recorded by any person, but the except
23 that the ward and aldermanic district, if any, and any information relating to the
24 identification an applicant under s. 6.29 (2) or 6.55 (2) is able to present and any
25 information relating to an applicant's voting identification card shall be recorded by

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1 ~~the clerk, issuing officer, or registration deputy. Each~~ applicant shall sign his or her
2 own name unless the applicant is unable to sign his or her name due to physical
3 disability. In such case, the applicant may authorize another elector to sign the form
4 on his or her behalf. If the applicant so authorizes, the elector signing the form shall
5 attest to a statement that the application is made upon request and by authorization
6 of a named elector who is unable to sign the form due to physical disability. ~~Ward and~~
7 ~~aldermanic district information shall be filled in by the clerk.~~

8 **SECTION 35.** 6.33 (5) of the statutes is created to read:

9 6.33 (5) (a) Except as provided in par. (b), whenever a municipal clerk receives
10 a valid registration or valid change of a name or address under an existing
11 registration and whenever a municipal clerk cancels a registration, the municipal
12 clerk shall promptly enter electronically on the list maintained by the board under
13 s. 6.36 (1) the information required under that subsection, except that the municipal
14 clerk may update any entries that change on the date of an election in the
15 municipality within 10 days after that date, and the municipal clerk shall provide
16 to the board information that is confidential under s. 6.47 (2) in such manner as the
17 board prescribes.

18 (b) The town clerk of any town having a population of not more than 5,000 may
19 designate the county clerk of the county where the town is located as the town clerk's
20 agent to carry out the functions of the town clerk under this subsection for that town.
21 The town clerk shall notify the county clerk of any such designation in writing. The
22 town clerk may, by similar notice to the county clerk at least 14 days prior to the
23 effective date of any change, discontinue the designation. If the town clerk
24 designates a county clerk as his or her agent, the town clerk shall immediately

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1 forward all registration changes filed with the town clerk to the county clerk for
2 electronic entry on the registration list.

3 **SECTION 36.** 6.35 (2) of the statutes is repealed.

4 **SECTION 37.** 6.35 (3) of the statutes is amended to read:

5 6.35 (3) ~~In municipalities employing data processing for keeping of registration~~
6 ~~forms, original~~ Original registration forms shall be maintained in the office of the
7 municipal clerk or board of election commissioners at all times.

8 **SECTION 38.** 6.35 (5) and (6) of the statutes are repealed.

9 **SECTION 39.** 6.36 (1) of the statutes is repealed and recreated to read:

10 6.36 (1) (a) The board shall compile and maintain electronically an official
11 registration list. Except as provided in sub. (2) (b), the list shall contain the name and
12 address of each registered elector in the state and such other information as the
13 board prescribes by rule.

14 (b) Except for the addresses of electors who obtain a confidential listing under
15 s. 6.47 (2), the list shall be open to public inspection under s. 19.35 (1) and shall be
16 electronically accessible by any person, but no person other than the board or an
17 election official who is authorized by a municipal clerk may make a change in the list.
18 The list shall be electronically accessible by name and shall also be accessible in
19 alphabetical order of the electors' names for the entire state and for each county,
20 municipality, ward, and combination of wards authorized under s. 5.15 (6) (b).

21 (c) The list shall be designed in such a way that the municipal clerk or board
22 of election commissioners of any municipality may, by electronic transmission, add,
23 revise, or remove entries on the list for any elector who resides in, or who the list
24 identifies as residing in, that municipality and no other municipality.

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1 (d) The board shall not make any changes in entries to the registration list
2 except as follows:

3 1. Upon receipt of official notification by the appropriate election
4 administrative authority of another state, territory, or possession that an elector
5 whose name appears on the list has registered to vote in that state, territory, or
6 possession, the board shall remove the name of that elector from the list.

7 2. If the board conducts the canvass required under s. 6.50 (1) and (2) or (2m),
8 the board shall cancel the registration of any elector whose registration is required
9 to be canceled by the municipal clerk or board of election commissioners under those
10 provisions.

11 (e) If the board removes the name of any elector from the list, the board shall
12 promptly notify the municipal clerk of the municipality where the elector resides or
13 resided, in writing or by electronic transmission.

14 **SECTION 40.** 6.36 (2) (a) of the statutes is amended to read:

15 6.36 (2) (a) Except as provided in par. (b), the each registration lists list
16 prepared for use at a polling place shall contain the full name and address of each
17 registered elector, ~~;~~ the type of identification card, if any, that each elector registered
18 under s. 6.29 (2) or 6.55 (2) is able to present and the identifying number contained
19 in that identification card; a blank column for the entry of the serial number of the
20 electors when they vote,~~;~~ and a form of a certificate bearing the certification of the
21 executive director of the board stating that each the list is a true and complete
22 ~~combined check and~~ registration list of the respective municipality or the ward or
23 wards for which the list is prepared.

24 **SECTION 41.** 6.36 (3) of the statutes is amended to read:

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1 6.36 (3) ~~Municipalities shall prepare at least 2 copies of the registration list for~~
2 ~~each ward and bind them in book form. The original registration forms constitute the~~
3 ~~official registration list and shall be controlling whenever discrepancies occur in~~
4 ~~entering information from the forms under s. 6.33 (5).~~

5 **SECTION 42.** 6.47 (2) of the statutes is amended to read:

6 6.47 (2) Except as authorized in sub. (8), the board and each municipal clerk,
7 and each county clerk who is designated under s. 6.33 (5) (b) as the agent of a
8 municipal clerk, shall withhold from public inspection under s. 19.35 (1) the name
9 and address of any eligible individual whose name appears on a poll list or
10 registration list if the individual files provides the municipal clerk, or the county
11 clerk if designated under s. 6.33 (5) (b), with a valid written request ~~with the clerk~~
12 to protect the individual's confidentiality. To be valid, a request under this subsection
13 must be accompanied by a copy of a protective order that is in effect, an affidavit
14 under sub. (1) (a) 2. that is dated within 30 days of the date of the request or a
15 statement signed by the operator or an authorized agent of the operator of a shelter
16 that is dated within 30 days of the date of the request and that indicates that the
17 operator operates the shelter and that the individual making the request resides in
18 the shelter. A physically disabled individual who appears personally at the office of
19 the municipal clerk, or the county clerk if designated under s. 6.33 (5) (b),
20 accompanied by another elector of this state may designate that elector to make a
21 request under this subsection on his or her behalf. Any county clerk that receives
22 a valid written request under this subsection shall promptly forward the request to
23 the municipal clerk.

24 **SECTION 43.** 6.47 (3) of the statutes is amended to read:

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1 6.47 (3) Upon ~~listing of~~ receiving a valid written request from an elector under
2 sub. (2), the municipal clerk, or the county clerk if designated under s. 6.33 (5) (b),
3 shall issue to the elector a voting identification card on a form prescribed by the board
4 that shall contain the name of the elector's municipality issuing the card of residence
5 and in the case of a town, the county in which the town is located, the elector's name,
6 the ward in which the elector resides, if any, and a unique identification serial
7 number issued by the board. The number issued to an elector under this subsection
8 shall not be changed for so long as the elector continues to qualify for a listing under
9 sub. (2).

10 **SECTION 44.** 6.50 (1) (intro.) of the statutes is amended to read:

11 6.50 (1) (intro.) Within 90 days following each general election, the municipal
12 clerk or board of election commissioners of each municipality ~~in which registration~~
13 ~~is required~~ shall examine the registration records and identify each elector who has
14 not voted within the previous 4 years if qualified to do so during that entire period
15 and shall mail a notice to the elector in substantially the following form:

16 **SECTION 45.** 6.50 (2m) (a) of the statutes is amended to read:

17 6.50 (2m) (a) As an alternative to the procedure prescribed in subs. (1) and (2),
18 the governing body of a municipality ~~where registration is required~~ may provide for
19 revision of registration lists under this subsection.

20 **SECTION 46.** 6.50 (2m) (b) of the statutes is amended to read:

21 6.50 (2m) (b) ~~Following~~ Within 90 days following each general election, the
22 municipal clerk of the municipality shall revise and correct the registration list by
23 reviewing the registration of any elector who failed to vote within the past 4 years
24 if qualified to do so during that entire period. Each such elector shall be mailed an
25 address verification card under par. (c). If an address verification card is returned

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1 by the postal service to the clerk, the registration of such elector shall be canceled.
2 Otherwise, the registration shall be retained notwithstanding failure of the elector
3 to vote at any election, except as provided in subs. (4) to (7).

4 **SECTION 47.** 6.50 (2s) of the statutes is created to read:

5 6.50 (2s) If, within 120 days following a general election, the municipal clerk
6 or board of election commissioners has not completed the canvass required under
7 sub. (1) and (2) or (2m), the board may conduct the canvass and may submit to the
8 municipal clerk or board of election commissioners a statement of its reasonable
9 costs incurred. The municipality shall reimburse the board for those costs within 30
10 days following receipt of the statement. If the municipality fails to timely reimburse
11 the board, the board may submit a statement to the department of administration
12 indicating the amount of the reimbursement due from the municipality and directing
13 the department to deduct that amount from the next payment made to the
14 municipality under s. 79.02.

15 **SECTION 48.** 6.50 (10) of the statutes is amended to read:

16 6.50 (10) Any elector whose registration is canceled under this section may
17 ~~have his or her registration reinstated by filing a new registration form~~ reregister
18 as provided under s. 6.28 (1), 6.29 (2), or 6.55 (2).

19 **SECTION 49.** 6.54 of the statutes is repealed.

20 **SECTION 50.** 6.55 (2) (a) 1. (intro.) of the statutes is amended to read:

21 6.55 (2) (a) 1. (intro.) Except where the procedure under par. (c) or (cm) is
22 employed, any person who qualifies as an elector in the ward or election district
23 where he or she desires to vote, but has not previously filed a registration form, or
24 was registered at another location ~~in a municipality where registration is required,~~
25 may request permission to vote at the polling place for that ward or election district,

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1 or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request
2 is made, the inspector shall require the person to execute a registration form
3 prescribed by the board ~~that~~. The registration form shall be completed in the manner
4 provided under s. 6.33 (2) and shall contain all information required under s. 6.33
5 (1), along with the following certification:

6 **SECTION 51.** 6.55 (2) (b) of the statutes is amended to read:

7 6.55 (2) (b) Upon executing the registration form under par. (a), the person
8 shall be required by a special registration deputy or inspector to present preferred
9 identification or, if the person is unable to present preferred identification, the
10 person shall present alternate identification. If the person is unable to present
11 preferred or alternate identification, the person shall present any identification card
12 that contains the name and photograph of the person and an identifying number.
13 If any identification presented by the person is not acceptable proof of residence
14 under sub. (7), the elector shall also present acceptable proof of residence. If the
15 person cannot supply such proof identification authorized under this paragraph or
16 proof of residence, the information contained in the registration form shall be
17 substantiated and signed corroborated in a statement that is signed by one other any
18 elector who resides in the same municipality as the registering elector, corroborating
19 all the material statements therein and who has not, during that day, corroborated
20 the registration information of more than one other person and that contains the
21 current street address of the corroborator. The corroborator shall then provide
22 identification in the same manner as if the corroborator were registering under this
23 subsection and shall provide acceptable proof of residence. The signing by the elector
24 person executing the registration form and by any elector who corroborates the
25 information in the form corroborator shall be in the presence of the special

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1 registration deputy or inspector. Upon compliance with this procedure, such person
2 shall then be given the right to vote the elector shall be permitted to cast his or her
3 vote, if the elector complies with all other requirements for voting at the polling
4 place.

5 **SECTION 52.** 6.55 (2) (c) 1. of the statutes is amended to read:

6 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.
7 (a) and (b), the board of election commissioners, or the governing body of any
8 municipality ~~in which registration is required~~ may by resolution require a person
9 who qualifies as an elector and who is not registered and desires to register on the
10 day of an election to do so at another readily accessible location in the same building
11 as the polling place serving the elector's residence or at an alternate polling place
12 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's
13 residence. In such case, the municipal clerk shall prominently post a notice of the
14 registration location at the polling place. The municipal clerk, deputy clerk or special
15 registration deputy at the registration location shall require such person to execute
16 a registration form as prescribed under par. (a) and to ~~provide~~ present preferred
17 identification or, if the person is unable to present preferred identification, alternate
18 identification. If the person is unable to present preferred or alternate identification,
19 the person shall present any identification card that contains the name and
20 photograph of the person and an identifying number. If any identification presented
21 by the person is not acceptable proof of residence as provided under sub. (7), the
22 elector shall also present acceptable proof of residence. If the person cannot supply
23 such ~~proof~~ identification authorized under this subdivision or acceptable proof of
24 residence, the information contained in the registration form shall be corroborated
25 in the manner provided in par. (b). The signing by the elector ~~person~~ person executing the

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1 registration form and by any ~~corroborating elector~~ corroborator shall be in the
2 presence of the municipal clerk, deputy clerk or special registration deputy. Upon
3 proper completion of registration, the municipal clerk, deputy clerk or special
4 registration deputy shall serially number the registration and give one copy to the
5 elector for presentation at the polling place serving the elector's residence or an
6 alternate polling place assigned under s. 5.25 (5) (b).

7 **SECTION 53.** 6.55 (2) (c) 2. of the statutes is amended to read:

8 6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the
9 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors
10 of the proper polling place directing that the elector be permitted to cast his or her
11 vote if the elector complies with all requirements for voting at the polling place. If
12 the elector's registration is corroborated, the clerk shall enter the name and address
13 of the corroborator on the face of the certificate. The certificate shall be numbered
14 serially and prepared in duplicate. The municipal clerk shall preserve one copy in his
15 or her office. The certificate shall indicate the name and address of the elector and,
16 if the elector is unable to present preferred or alternate identification, the certificate
17 shall indicate the type of identification, if any, the elector is able to present and the
18 identifying number contained in that identification.

19 **SECTION 54.** 6.55 (2) (d) of the statutes is amended to read:

20 6.55 (2) (d) A registered elector who has changed his or her name but resides
21 at the same address, and has not notified the municipal clerk under s. 6.40 (1) (c),
22 shall notify the inspector of the change before voting. The inspector shall then notify
23 the municipal clerk at the time which materials are returned under s. 6.56 (1). If an
24 elector ~~changes~~ has changed both a name and address, the elector shall ~~complete a~~

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1 ~~registration form~~ register at the polling place or other registration location under
2 pars. (a) and (b).

3 **SECTION 55.** 6.55 (3) of the statutes is amended to read:

4 6.55 (3) Any qualified elector in the ward or election district where the elector
5 desires to vote whose name does not appear on the registration list ~~where~~
6 ~~registration is required~~ but who claims to be registered to vote in the election may
7 request permission to vote at the polling place for that ward or election district.
8 When the request is made, the inspector shall require the person to give his or her
9 name and address. If the elector is not at the polling place which serves the ward or
10 election district where the elector resides, the inspector shall provide the elector with
11 directions to the correct polling place. If the elector is at the correct polling place, the
12 elector shall then execute the following written statement: "I, ..., hereby certify that
13 to the best of my knowledge, I am a qualified elector, having resided at for at least
14 10 days immediately preceding this election, and that I am not disqualified on any
15 ground from voting, and I have not voted at this election and am properly registered
16 to vote in this election." The person shall be required to ~~provide~~ present preferred
17 identification or, if the person is unable to present preferred identification, alternate
18 identification. If the person is unable to present preferred or alternate identification,
19 the person shall present any identification card that contains the name and
20 photograph of the person and an identifying number. If any identification presented
21 by the person is not acceptable proof of residence as provided under sub. (7), the
22 person shall also present acceptable proof of residence and shall then be given the
23 right to vote. ~~If acceptable proof is presented, the elector need not have the~~
24 ~~information corroborated by any other elector. If acceptable~~ the person fails to
25 present any identification or proof is not presented of residence required under this

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1 subsection, the statement shall be certified by the elector and shall be corroborated
2 in a statement that is signed by another any other elector who resides in the
3 municipality and who has not, during that day, corroborated the registration
4 information of more than one other person and that contains the current street
5 address of the corroborator. The corroborator shall then provide identification in the
6 same manner as if the corroborator were executing the certification under this
7 subsection and, if the identification is not acceptable proof of residence as provided
8 under sub. (7), shall provide acceptable proof of residence as provided in sub. (7).
9 Whenever the question of identity or residence cannot be satisfactorily resolved and
10 the elector cannot be permitted to vote, an inspector shall telephone the office of the
11 municipal clerk to reconcile the records at the polling place with those at the office.

12 **SECTION 56.** 6.55 (7) (c) 1. of the statutes is amended to read:

13 6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch.
14 343.

15 **SECTION 57.** 6.55 (7) (c) 2. of the statutes is amended to read:

16 6.55 (7) (c) 2. ~~A Wisconsin~~ An identification card issued under ~~s. 125.08, 1987~~
17 ~~stats s. 343.50.~~

18 **SECTION 58.** 6.79 (intro.) (except 6.79 (title)) of the statutes is renumbered 6.79
19 (1m) and amended to read:

20 6.79 (1m) SEPARATE POLL LISTS. Two election officials at each election ward shall
21 be in charge of and shall maintain 2 separate poll lists ~~of~~ containing information
22 relating to all persons voting. The municipal clerk may elect to maintain the
23 information on the ~~poll list~~ lists manually or electronically. If the ~~list is~~ lists are
24 maintained electronically, the officials shall enter the information into an electronic

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1 data recording system that enables retrieval of a printed copy of the poll list at the
2 polling place. The system employed is subject to the approval of the board.

3 **SECTION 59.** 6.79 (1) of the statutes is repealed.

4 **SECTION 60.** 6.79 (2) of the statutes is repealed and recreated to read:

5 **6.79 (2) VERIFICATION OF IDENTITY AND ADDRESS AND MAINTENANCE OF POLL LISTS.**

6 (a) Unless information on the poll list is entered electronically, the municipal clerk
7 shall supply the inspectors with 2 copies of the most current original registration list
8 or lists prepared under s. 6.36 (1) for use as poll lists at the polling place. Except as
9 provided in sub. (6), each person, before receiving a serial number, shall state his or
10 her full name and address and shall present preferred identification or, if the person
11 is unable to present preferred identification, alternate identification. Except as
12 provided in sub. (6), if the person is unable to present preferred or alternate
13 identification, the person shall present any identification card that contains the
14 name and photograph of the person and an identifying number. If a person is unable
15 to present any identification authorized under this paragraph, the person's identity
16 and address may be corroborated in a statement that is signed by any other elector
17 who resides in the municipality and who has not, during that day, corroborated the
18 identity and address of more than one other person and that contains the current
19 street address of the corroborator. The corroborator shall then provide identification
20 in the same manner as if the corroborator were attempting to vote under this
21 subsection.

22 (b) 1. Except as otherwise provided in this paragraph, the officials shall verify
23 that the name and address on the identification provided by the person under par.

24 (a) or the name and address corroborated under par. (a) are the same as the person's

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1 name and address on the poll list and shall verify that the photograph contained in
2 the identification reasonably resembles the person.

3 2. If the person presents an identification card under par. (a) that is not
4 preferred or alternate identification or that contains an address different from that
5 on the poll list, the officials shall verify that the name and identifying number on the
6 identification card are the same as the person's name on the poll list and the
7 identifying number on any identification card that the person's registration indicates
8 he or she is able to present. If the person's registration does not indicate that he or
9 she is able to present an identification card or if the identifying number on the
10 identification card is different from the identifying number indicated in the person's
11 registration, the officials shall enter on the poll list, after the name of the person, the
12 type of identification and the identifying number contained in that identification.

13 3. If the person presents a certificate for that election issued to the person under
14 s. 6.29 (2) (b) or a certificate issued to the person that day under s. 6.55 (2) (c) 2., the
15 officials shall verify that the name and address on the identification provided by the
16 person under par. (a) or the name and address corroborated under par. (a) are the
17 same as the person's name and address on the certificate. If the person presents an
18 identification card under par. (a) that is not preferred or alternate identification or
19 that contains an address different from that on the certificate, the officials shall
20 verify that the name and identifying number on the identification card are the same
21 as the person's name on the certificate and the identifying number on any
22 identification card that the certificate indicates he or she is able to present. If the
23 certificate does not indicate he or she is able to present an identification card or if the
24 identifying number on the identification card is different from the identifying

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1 number indicated in the certificate, the officials shall enter on the certificate the type
2 of identification and the identifying number contained in that identification.

3 (c) Upon the poll list, after the name of each elector, the officials shall enter a
4 serial number for each elector in the order that votes are cast, beginning with
5 number one. The officials shall maintain a separate list for electors who are voting
6 under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are reassigned from another
7 polling place under s. 5.25 (5) (b) and shall enter the full name, address, and serial
8 number of each of these electors on the appropriate separate list. The officials shall
9 provide each elector with a slip bearing the same serial number as is recorded for the
10 elector upon the poll list or separate list.

11 **SECTION 61.** 6.79 (3) of the statutes is amended to read:

12 **6.79 (3) REFUSAL TO GIVE NAME AND ADDRESS AND FAILURE TO PRESENT**
13 **IDENTIFICATION.** Except as provided in sub. (6), if any elector offering to vote at any
14 polling place refuses to give his or her name and address or is unable to present
15 identification authorized under sub. (2) or have his or her identity and address
16 corroborated, the elector may not be permitted to vote.

17 **SECTION 62.** 6.79 (4) of the statutes is amended to read:

18 **6.79 (4) SUPPLEMENTAL INFORMATION.** ~~When any elector provides identification~~
19 ~~under sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the~~
20 ~~type of identification on the poll or registration list, or supplemental list maintained~~
21 ~~under sub. (2). If the form of identification includes a number which applies only to~~
22 ~~the individual holding that piece of identification, the election officials shall also~~
23 ~~enter that number on the list. When any elector corroborates the registration~~
24 ~~identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or~~
25 ~~(c) or (3) the name and address of the corroborator shall also be entered next to the~~

SENATE BILL 55**SECTION 62**

1 ~~name of the elector whose information is being corroborated on the registration or~~
2 ~~poll list, or the separate list maintained under sub. (2).~~ When any person offering
3 to vote has been challenged and taken the oath, following the person's name on the
4 ~~registration or poll list,~~ the officials shall enter the word "Sworn".

5 **SECTION 63.** 6.79 (5) of the statutes is repealed.

6 **SECTION 64.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

7 6.79 (6) (title) EXCEPTIONS REGARDING IDENTIFICATION.

8 **SECTION 65.** 6.79 (6) (a) of the statutes is repealed.

9 **SECTION 66.** 6.79 (6) (am) of the statutes is created to read:

10 6.79 (6) (am) The requirement under sub. (2) that a person present
11 identification or have his or her identity or address corroborated does not apply to
12 a person who is voting under s. 6.15 or 6.55 (2) (b) or (3).

13 **SECTION 67.** 6.79 (6) (b) of the statutes is amended to read:

14 6.79 (6) (b) ~~In municipalities where registration is required, an~~ An elector who
15 has a confidential listing under s. 6.47 (2) may present his or her identification card
16 issued under s. 6.47 (3), or ~~may~~ give his or her name and identification serial number
17 issued under s. 6.47 (3), in lieu of stating his or her name and address and presenting
18 identification under sub. (2). If the elector's name and identification serial number
19 appear on the confidential portion of the list, the inspectors shall issue a voting serial
20 number to the elector, record that number on the registration list and permit the
21 elector to vote.

22 **SECTION 68.** 6.82 (1) (a) of the statutes is amended to read:

23 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance
24 to the polling place who as a result of disability is unable to enter the polling place,
25 they shall permit the elector to be assisted in marking or punching a ballot by any

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1 individual selected by the elector, except the elector's employer or an agent of that
2 employer or an officer or agent of a labor organization which represents the elector.
3 The inspectors shall issue a ballot to the individual selected by the elector and shall
4 accompany the individual to the polling place entrance where the assistance is to be
5 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after
6 the ballot is marked or punched by the assisting individual. The assisting individual
7 shall then immediately take the ballot into the polling place and give the ballot to an
8 inspector. The inspector shall distinctly announce that he or she has "a ballot offered
9 by (stating person's name), an elector who, as a result of disability, is unable to
10 enter the polling place without assistance". The inspector shall then ask, "Does
11 anyone object to the reception of this ballot?" If no objection is made, the inspectors
12 shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box,
13 and shall make a notation on the ~~registration or~~ poll list: "Ballot received at poll
14 entrance".

15 **SECTION 69.** 6.86 (3) (a) of the statutes is amended to read:

16 6.86 (3) (a) Any elector who is registered, ~~or otherwise qualified where~~
17 ~~registration is not required,~~ and who is hospitalized, may apply for and obtain an
18 official ballot by agent. The agent may apply for and obtain a ballot for the
19 hospitalized absent elector by presenting a form prescribed by the board and
20 containing the required information supplied by the hospitalized elector and signed
21 by that elector and any other elector residing in the same municipality as the
22 hospitalized elector, corroborating the information contained therein. The
23 corroborating elector shall state on the form his or her full name and address.

24 **SECTION 70.** 6.88 (3) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 70**

1 6.88 (3) (a) Any time between the opening and closing of the polls on election
2 day, the inspectors shall open the carrier envelope only, and announce the name of
3 the absent elector or the identification serial number of the absent elector if the
4 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the
5 certification has been properly executed, the applicant is a qualified elector of the
6 ward or election district, and the applicant has not voted in the election, they shall
7 enter an indication on the poll ~~or registration~~ list next to the applicant's name
8 indicating an absentee ballot is cast by the elector. They shall then open the envelope
9 containing the ballot in a manner so as not to deface or destroy the certification
10 thereon. The inspectors shall take out the ballot without unfolding it or permitting
11 it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors
12 shall verify that the ballot has been endorsed by the issuing clerk. The inspectors
13 shall deposit the ballot into the proper ballot box and enter the absent elector's name
14 or voting number after his or her name on the poll ~~or registration~~ list in the same
15 manner as if the elector had been present and voted in person.

16 **SECTION 71.** 6.94 of the statutes is amended to read:

17 **6.94 Challenged elector oath.** If the person challenged refuses to answer
18 fully any relevant questions put to him or her by the inspector under s. 6.92, the
19 inspectors shall reject the elector's vote. If the challenge is not withdrawn after the
20 person offering to vote has answered the questions, one of the inspectors shall
21 administer to the person the following oath or affirmation: "You do solemnly swear
22 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
23 are now and for 10 days have been a resident of this ward except under s. 6.02 (2);
24 you have not voted at this election; you have not made any bet or wager or become
25 directly or indirectly interested in any bet or wager depending upon the result of this

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1 election; you are not on any other ground disqualified to vote at this election”. If the
2 person challenged refuses to take the oath or affirmation, the person’s vote shall be
3 rejected. If the person challenged answers fully all relevant questions put to the
4 elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the
5 applicable registration requirements, ~~where applicable~~, and if the answers to the
6 questions given by the person indicate that the person meets the voting qualification
7 requirements, the person’s vote shall be received.

8 **SECTION 72.** 6.95 of the statutes is amended to read:

9 **6.95 Voting procedure for challenged electors.** Whenever the inspectors
10 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been
11 challenged, they shall give the elector a ballot. Before depositing the ballot, the
12 inspectors shall write on the back of the ballot the serial number of the challenged
13 person corresponding to the number kept at the election on the ~~registration or~~ poll
14 list, or other list maintained under s. 6.79. If voting machines are used in the
15 municipality where the person is voting, the person’s vote may be received only upon
16 an absentee ballot furnished by the municipal clerk which shall have the
17 corresponding serial number from the ~~registration or~~ poll list or other list
18 maintained under s. 6.79 written on the back of the ballot before the ballot is
19 deposited. The inspectors shall indicate on the list the reason for the challenge. The
20 challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of
21 canvassers may decide any challenge when making its canvass under s. 7.53. If the
22 returns are reported under s. 7.60, a challenge may be reviewed by the county board
23 of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed
24 by the chairperson of the board or the chairperson’s designee. The decision of any
25 board of canvassers or of the chairperson or chairperson’s designee may be appealed

SENATE BILL 55**SECTION 72**

1 under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to
2 determine the validity of challenged ballots.

3 **SECTION 73.** 7.08 (1) (c) of the statutes is amended to read:

4 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
5 6.40 (1) (b), 6.47 (1) (a) 2. and (3), 6.55 (2) and (3), ~~6.79 (5)~~ and 6.86 (2) and (3). All
6 such forms shall contain a statement of the penalty applicable to false or fraudulent
7 registration or voting through use of the form. Forms are not required to be furnished
8 by the board.

9 **SECTION 74.** 7.08 (5) of the statutes is created to read:

10 7.08 (5) TRAINING, EXAMINATION AND QUALIFICATION OF ELECTION OFFICIALS. The
11 board may, by rule, prescribe standards and procedures for the training,
12 qualification and examination of election officials.

13 **SECTION 75.** 7.08 (6) of the statutes is created to read:

14 7.08 (6) APPOINTMENT OF SPECIALLY DESIGNATED INSPECTORS. If the board finds
15 that an inspector has repeatedly and materially failed to substantially comply with
16 the election laws or rules of the board in performing his or her functions, the board
17 may remove that inspector and may appoint a qualified individual to fill the vacancy
18 in the inspector's office, without regard to party affiliation. The specially designated
19 inspector so appointed shall serve for the remainder of the unexpired term of the
20 former inspector. A specially designated inspector shall be compensated by the
21 municipality in which the inspector serves on the same basis as other inspectors, and
22 shall be supervised by the municipal clerk or board of election commissioners in the
23 same manner as provided by law for other inspectors.

24 **SECTION 76.** 7.08 (7) of the statutes is created to read:

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1 7.08 (7) APPOINTMENT OF SPECIAL MASTER. (a) If the board finds that a
2 municipality has repeatedly and materially failed to substantially comply with the
3 election laws or rules of the board in administering elections, the board may appoint
4 a special master to assume all functions of the municipal clerk or board of election
5 commissioners of that municipality with respect to administration of the election
6 laws. The board shall specify in the appointment order the period in which the
7 appointment applies, which may not exceed 12 months. An appointment under this
8 subsection may be renewed for additional periods of not more than 12 months, if the
9 board finds, at the time of renewal, that the municipality served by the special
10 master is incapable of substantial compliance or is unwilling to substantially comply
11 with the election laws or rules of the board. During the period of service of a special
12 master in any municipality, all election officials other than the municipal clerk or
13 board of election commissioners shall continue to hold their offices and positions and
14 exercise their functions, unless the special master removes an official under s. 7.15
15 (1) (f) or 7.30 (6) (c) or the board removes an official under sub. (6).

16 (b) The board shall employ the special master outside the classified service. The
17 board shall submit a statement of its reasonable costs incurred under this subsection
18 to the municipal treasurer. The municipal treasurer shall then reimburse the board
19 for those costs within 30 days following receipt of the statement. If the municipality
20 fails to timely reimburse the board, the board may submit a statement to the
21 department of administration indicating the amount of the reimbursement due from
22 the municipality and directing the department to deduct that amount from the next
23 payment made to the municipality under s. 79.02.

24 **SECTION 77.** 7.10 (1) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 77**

1 7.10 (1) (b) The county clerk shall supply sufficient ~~poll list blanks for~~
2 municipalities that do not have elector registration and other election supplies for
3 national, state and county elections to municipalities within the county. The ~~poll list~~
4 ~~blanks and other~~ election supplies shall be enclosed in the sealed package containing
5 the official ballots and delivered to the municipal clerk.

6 **SECTION 78.** 7.10 (7) of the statutes is created to read:

7 7.10 (7) REGISTRATION AGENT FOR TOWN CLERK. The county clerk shall carry out
8 the registration functions specified in ss. 6.29 (2) and 6.33 (5) (b) for any town clerk
9 who designates the county clerk as the agent of the town clerk under s. 6.33 (5) (b).

10 **SECTION 79.** 7.15 (1) (intro.) of the statutes is amended to read:

11 7.15 (1) SUPERVISE REGISTRATION AND ELECTIONS. (intro.) ~~Each~~ Except as
12 provided in ss. 6.33 (5) (b), 6.36 (1), and 7.08 (7), each municipal clerk has charge and
13 supervision of elections and registration in the municipality. The clerk shall perform
14 the following duties and any others which may be necessary to properly conduct
15 elections or registration:

16 **SECTION 80.** 7.15 (1) (c) of the statutes is amended to read:

17 7.15 (1) (c) Prepare ballots for municipal elections, and distribute ballots and
18 provide other supplies for conducting all elections. The municipal clerk shall deliver
19 ~~poll list forms received from the county clerk to the polling places with the ballots to~~
20 the polling places before the polls open.

21 **SECTION 81.** 7.15 (1) (e) of the statutes is amended to read:

22 7.15 (1) (e) ~~Instruct~~ Except as otherwise required by rules of the board under
23 s. 7.08 (5), determine whether election officials meet the qualifications prescribed by
24 law and whether their conduct is in compliance with the law; instruct election
25 officials in their duties, calling them together whenever advisable; ~~advise them~~

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1 election officials of changes in laws, rules and procedures affecting the performance
2 of their duties; and administer examinations as authorized under s. 7.30 (2) (c). The
3 clerk shall assure that officials who serve at polling places where an electronic voting
4 system is used are familiar with the system and competent to instruct electors in its
5 proper use. The clerk shall inspect systematically and thoroughly the conduct of
6 elections in the municipality so that elections are honestly, efficiently and uniformly
7 conducted.

8 **SECTION 82.** 7.15 (4) of the statutes is amended to read:

9 7.15 (4) RECORDING ELECTORS. After each election ~~where registration is used,~~
10 the municipal clerk shall make a record of each elector who has voted at the election
11 by stamping or writing the date of the election in the appropriate space on the
12 original registration form of the elector. Municipalities employing data processing
13 may, in lieu of this requirement, record voting information in such a manner that it
14 is readily available for retrieval by computer.

15 **SECTION 83.** 7.30 (1) of the statutes is amended to read:

16 7.30 (1) NUMBER. There shall be 7 inspectors for each polling place at each
17 election. In municipalities where voting machines are used, the municipal governing
18 body may reduce the number of inspectors to 5. A municipal governing body may
19 provide for the appointment of additional inspectors whenever more than one voting
20 machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing
21 body may provide by ordinance for the selection of alternate officials or the selection
22 of 2 sets of officials to work at different times on election day. Unless officials are
23 appointed without regard to party affiliation under sub. (4) (c) or unless a specially
24 designated inspector is appointed under s. 7.08 (6), additional officials shall be
25 appointed in such a manner that the total number of officials is an odd number and

SENATE BILL 55**SECTION 83**

1 the predominant party under sub. (2) is represented by one more official than the
2 other party.

3 **SECTION 84.** 7.30 (2) of the statutes is amended to read:

4 7.30 (2) QUALIFICATIONS AND PROCEDURE. (a) ~~Only~~ Except as otherwise provided
5 in s. 7.08 (6), only election officials appointed under this section may conduct an
6 election. ~~Except as authorized in s. 7.15 (1) (k), each~~ Each inspector shall be a
7 qualified elector ~~in~~ of the ward or other area for which the polling place is established.
8 ~~Special, except that special~~ registration deputies appointed under s. 6.55 (6) and
9 election officials serving more than one ward or when necessary to fill a vacancy
10 under par. (b), and specially designated inspectors under s. 7.08 (6) need not be ~~a~~
11 ~~resident~~ an elector of that ward, or area but, except in the case of specially designated
12 inspectors, shall be ~~a resident~~ an elector of the municipality. Special registration
13 deputies may be appointed to serve more than one polling place. All officials shall
14 be able to read and write the English language, be capable, be of good understanding,
15 and may not be a candidate for any office to be voted for at an election at which they
16 serve. In 1st class cities, they may hold no public office other than notary public.
17 Except for specially designated inspectors appointed under s. 7.08 (6) and except as
18 authorized under sub. (4) (c), all inspectors shall be affiliated with one of the 2
19 recognized political parties which received the largest number of votes for president,
20 or governor in nonpresidential general election years, in the ward or combination of
21 wards served by the polling place at the last election. The party which received the
22 largest number of votes is entitled to one more inspector than the party receiving the
23 next largest number of votes at each polling place. The same election officials may
24 serve the electors of more than one ward where wards are combined under s. 5.15 (6)

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1 (b). If a municipality is not divided into wards, the ward requirements in this
2 paragraph apply to the municipality at large.

3 (b) ~~When~~ Except as provided in s. 7.08 (6), whenever a vacancy occurs, the
4 vacancy shall be filled by appointment of the municipal clerk. ~~The vacancy~~ Vacancies
5 filled by the municipal clerk shall be filled from the remaining names on the lists
6 submitted under sub. (4) or from additional names submitted by the chairperson of
7 the county party committee of the appropriate party under sub. (4) whenever names
8 are submitted under sub. (4) (d). If the vacancy is due to candidacy, sickness or any
9 other temporary cause, the appointment shall be a temporary appointment and
10 effective only for the election at which the temporary vacancy occurs. The same
11 qualifications shall be required of persons who fill vacancies. Vacancies may be filled
12 in cases of emergency or because of time limitations by a person from another
13 aldermanic district or ward within the municipality.

14 (c) ~~The~~ Unless otherwise required by the board under s. 7.08 (5), the governing
15 body of any municipality may require all persons serving as election officials to prove
16 their ability to read and write English and to have a general knowledge of the election
17 laws. ~~Examinations and may be given~~ give examinations to prove the qualifications
18 can be met. Any examinations shall be consistent with rules of the board under s.
19 7.08 (5).

20 **SECTION 85.** 7.30 (4) (b) 2. of the statutes is amended to read:

21 7.30 (4) (b) 2. In municipalities other than cities and villages located in counties
22 having a population of more than 500,000, the committees organized under s. 8.17
23 from each of the 2 dominant parties under sub. (2) shall submit a list containing at
24 least as many names as there are needed appointees from that party. The list shall
25 be submitted by the chairperson of each of the 2 committees to the mayor, president

SENATE BILL 55**SECTION 85**

1 or chairperson of the municipality. If committees are organized in subdivisions of a
2 city, the list shall be submitted through the chairperson of the city committee. If
3 there is no municipal committee, the list shall be submitted by the chairperson of the
4 county or legislative district committee. Except as provided in par. (c) and except for
5 specially designated inspectors appointed under s. 7.08 (6), only those persons
6 submitted by the chairperson of each committee under s. 8.17 may act as election
7 officials. The chairperson may designate any individual whose name is submitted
8 as a first choice nominee. The list shall contain the signature of the chairperson and
9 secretary of the submitting committee. In cities or villages located in counties having
10 a population of more than 500,000, other than cities where there is a board of election
11 commissioners, the aldermanic district or village committeeman or
12 committeewoman for the ward or wards where each polling place is located, if there
13 is one, shall submit a list containing at least as many names as there are needed
14 appointees for inspector positions from the party represented by the committeeman
15 or committeewoman. For appointments of inspectors in cities and villages where
16 there is no aldermanic district or village committeeman or committeewoman,
17 nominations shall proceed in the same manner as in municipalities located in
18 counties having a population of 500,000 or less. The list shall be submitted to the
19 mayor or president. Except as provided in par. (c) and except for specially designated
20 inspectors appointed under s. 7.08 (6), only those persons whose names are
21 submitted as provided in this paragraph may act as election officials. The
22 committeeman or committeewoman may designate any individual whose name is
23 submitted as a first choice nominee. The list shall contain the signature of the
24 aldermanic district or village committeeman or committeewoman or the chairperson
25 of the appropriate committee. Upon submission of each nominee's name, the

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1 governing body shall appoint each first choice nominee for so long as positions are
2 available, unless nonappointment is authorized under par. (e), and shall appoint
3 other nominees in its discretion. If any nominee is not appointed, the mayor,
4 president or chairperson of the municipality shall immediately nominate another
5 person from the appropriate lists submitted and continue until the necessary
6 number of election officials from each party is achieved at that meeting.

7 **SECTION 86.** 7.33 (1) (c) of the statutes is amended to read:

8 7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and
9 includes an authority created under ch. 231, 232, 233 ~~or~~, 234, or 237.

10 **SECTION 87.** 7.33 (2) of the statutes is amended to read:

11 7.33 (2) ~~Service~~ Except as otherwise provided in this subsection, service as an
12 election official under this chapter ~~shall be~~ is mandatory upon all qualified electors
13 appointed, during the full 2-year term, after which they shall be exempt from further
14 service as an election official, under this chapter, until 3 terms of 2 years each have
15 elapsed. Municipal clerks may grant exemptions from service at any time. At all
16 times while performing his or her duties, a person serving as an election official shall
17 wear a sticker or badge that indicates the person is an election official and that
18 contains the person's full name.

19 **SECTION 88.** 7.37 (7) of the statutes is amended to read:

20 7.37 (7) ~~REGISTRATION AND POLL~~ POLL LISTS. Two inspectors shall be assigned
21 to have charge of the ~~registration or~~ poll lists at each election.

22 **SECTION 89.** 7.51 (2) (a) of the statutes is amended to read:

23 7.51 (2) (a) The inspectors shall first compare the poll ~~or registration~~ lists,
24 correcting any mistakes until the poll ~~or registration~~ lists agree. The chief inspector
25 and the inspectors who are responsible for recording electors under s. 6.79 shall

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1 verify the correctness of the poll ~~or registration~~ lists after the polls close by each
2 signing their name thereto. Where ballots are distributed to electors, the inspectors
3 shall then open the ballot box and remove and count the number of ballots therein
4 without examination except as is necessary to ascertain that each is a single ballot.
5 If 2 or more ballots are folded together so as to appear as a single ballot, the inspectors
6 shall lay them aside until the count is completed; and if, after a comparison of the
7 count and the appearance of the ballots it appears to a majority of the inspectors that
8 the ballots folded together were voted by the same person they may not be counted
9 but the inspectors shall mark them as to the reason for removal, set them aside and
10 carefully preserve them. The inspectors shall then proceed under par. (b).

11 **SECTION 90.** 7.51 (2) (c) of the statutes is amended to read:

12 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting
13 electors as indicated on the poll ~~or registration~~ list, the inspectors shall place all
14 ballots face up to check for blank ballots. In this paragraph, "blank ballot" means
15 a ballot on which no votes are cast for any office or question. The inspectors shall
16 mark, lay aside and preserve any blank ballots. If the number of ballots still exceeds
17 the number of voting electors, the inspectors shall place all ballots face down and
18 proceed to check for the initials. The inspectors shall mark, lay aside and preserve
19 any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing
20 the initials of the municipal clerk. During the count the inspectors shall count those
21 ballots cast by challenged electors the same as the other ballots.

22 **SECTION 91.** 7.51 (2) (e) of the statutes is amended to read:

23 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still
24 exceeds the total number of electors recorded on the ~~registration or~~ poll list, the
25 inspectors shall separate the absentee ballots from the other ballots. If there is an

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1 excess number of absentee ballots, the inspectors shall place the absentee ballots in
2 the ballot box and one of the inspectors shall publicly and without examination draw
3 therefrom by chance the number of ballots equal to the excess number of absentee
4 ballots. If there is an excess number of other ballots, the inspectors shall place those
5 ballots in the ballot box and one of the inspectors shall publicly and without
6 examination draw therefrom by chance the number of ballots equal to the excess
7 number of those ballots. All ballots so removed may not be counted but shall be
8 specially marked as having been removed by the inspectors on original canvass due
9 to an excess number of ballots, set aside and preserved. When the number of ballots
10 and total shown on the ~~poll or~~ registration list agree, the inspectors shall return all
11 ballots to be counted to the ballot box and shall turn the ballot box in such manner
12 as to thoroughly mix the ballots. The inspectors shall then open, count and record
13 the number of votes. When the ballots are counted, the inspectors shall separate
14 them into piles for ballots similarly voted. Objections may be made to placement of
15 ballots in the piles at the time the separation is made.

16 **SECTION 92.** 7.51 (4) (a) of the statutes is amended to read:

17 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
18 office and for each individual receiving votes for that office, whether or not the
19 individual's name appears on the ballot, and shall state the vote for and against each
20 proposition voted on. Upon completion of the tally sheets, the inspectors shall
21 immediately complete inspectors' statements in duplicate. The inspectors shall state
22 the excess by which the number of ballots exceeds the number of electors voting as
23 shown by the ~~poll or registration list, if any,~~ and shall state the number of the last
24 elector as shown by the ~~registration or~~ poll lists. At least 3 inspectors, including the
25 chief inspector and, unless election officials are appointed under s. 7.30 (4) (c)

SENATE BILL 55**SECTION 92**

1 without regard to party affiliation, at least one inspector representing each political
2 party, shall then certify to the correctness of the statements and tally sheets and sign
3 their names. All other election officials assisting with the tally shall also certify to
4 the correctness of the tally sheets. When the tally is complete, the inspectors shall
5 publicly announce the results from the statements.

6 **SECTION 93.** 7.51 (5) of the statutes is amended to read:

7 7.51 (5) RETURNS. The inspectors shall make full and accurate return of the
8 votes cast for each candidate and proposition on tally sheet blanks provided by the
9 municipal clerk for the purpose. Each tally sheet shall record the returns for each
10 office or referendum by ward, unless combined returns are authorized in accordance
11 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
12 of combined wards. After recording the votes, the inspectors shall seal in a carrier
13 envelope outside the ballot bag or container one inspectors' statement under sub. (4)
14 (a), one tally sheet and one poll ~~or registration~~ list for delivery to the county clerk,
15 unless the election relates only to municipal or school district offices or referenda.
16 The inspectors shall also similarly seal one inspectors' statement, one tally sheet and
17 one poll ~~or registration~~ list for delivery to the municipal clerk. For school district
18 elections, except in 1st class cities, the inspectors shall similarly seal one inspectors'
19 statement, one tally sheet and one poll ~~or registration~~ list for delivery to the school
20 district clerk. The inspectors shall immediately deliver all ballots, statements, tally
21 sheets, lists and envelopes to the municipal clerk. The municipal clerk shall arrange
22 for delivery of all ballots, statements, tally sheets, lists and envelopes relating to a
23 school district election to the school district clerk. The municipal clerk shall deliver
24 the ballots, statements, tally sheets, lists and envelopes for his or her municipality
25 relating to any county, technical college district, state or national election to the

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1 county clerk by 2 p.m. on the day following each such election. The person delivering
2 the returns shall be paid out of the municipal treasury. Each clerk receiving ballots,
3 statements, tally sheets or envelopes shall retain them until destruction is
4 authorized under s. 7.23 (1).

5 **SECTION 94.** 9.01 (1) (b) 1. of the statutes is amended to read:

6 9.01 (1) (b) 1. The board of canvassers shall first compare the ~~registration or~~
7 poll lists and determine the number of voting electors.

8 **SECTION 95.** 10.02 (3) (a) of the statutes is amended to read:

9 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
10 an elector shall give state his or her name and address ~~before being permitted to vote~~
11 and shall present identification or have his or her identification corroborated as
12 required by law. Where ballots are distributed to electors, the initials of 2 inspectors
13 must appear on the ballot. Upon being permitted to vote, the elector shall retire
14 alone to a voting booth or machine and cast his or her ballot, except that an elector
15 who is a parent or guardian may be accompanied by the elector's minor child or minor
16 ward. An election official may inform the elector of the proper manner for casting
17 a vote, but the official may not in any manner advise or indicate a particular voting
18 choice.

19 **SECTION 96.** 12.13 (2) (b) 9. of the statutes is created to read:

20 12.13 (2) (b) 9. Fail to exercise due care to lawfully register an elector to vote.

21 **SECTION 97.** 12.60 (1) (bm) of the statutes is created to read:

22 12.60 (1) (bm) Whoever violates s.12.13 (2) (b) 9. may be required to forfeit not
23 more than \$1,000.

24 **SECTION 98.** 13.101 (4) of the statutes is amended to read:

SENATE BILL 55**SECTION 98**

1 13.101 (4) The committee may transfer between appropriations and programs
2 if the committee finds that unnecessary duplication of functions can be eliminated,
3 more efficient and effective methods for performing programs will result or
4 legislative intent will be more effectively carried out because of such transfer, if
5 legislative intent will not be changed as the result of such transfer and the purposes
6 for which the transfer is requested have been authorized or directed by the
7 legislature, ~~or to implement s. 16.847 (8) (b) 3.~~ The authority to transfer between
8 appropriations includes the authority to transfer between 2 fiscal years of the same
9 biennium, between 2 appropriations of the same agency and between an
10 appropriation of one agency and an appropriation of a different agency. No transfer
11 between appropriations or programs may be made to offset deficiencies arising from
12 the lack of adequate expenditure controls by a department, board, institution,
13 commission or agency. The authority to transfer between appropriations shall not
14 include the authority to transfer from sum sufficient appropriations as defined under
15 s. 20.001 (3) (d) to other types of appropriations.

16 **SECTION 99.** 13.101 (6) (a) of the statutes is amended to read:

17 13.101 (6) (a) As an emergency measure necessitated by decreased state
18 revenues and to prevent the necessity for a state tax on general property, the
19 committee may reduce any appropriation made to any board, commission,
20 department, or the University of Wisconsin System, or to any other state agency or
21 activity, by such amount as it deems feasible, not exceeding 25% of the
22 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
23 (cr) ~~and (q)~~, 20.395 (1), (2) (cq), ~~(eq) to (ex)~~ (fq) to (fx), and (gq) to (gx), (3), (4) (aq) to
24 (ax), and (6) (aq) and (ar), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for
25 forestry purposes under s. 20.370 (1), or any other moneys distributed to any county,

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1 city, village, town, or school district. Appropriations of receipts and of a sum
2 sufficient shall for the purposes of this section be regarded as equivalent to the
3 amounts expended under such appropriations in the prior fiscal year which ended
4 June 30. All functions of said state agencies shall be continued in an efficient
5 manner, but because of the uncertainties of the existing situation no public funds
6 should be expended or obligations incurred unless there shall be adequate revenues
7 to meet the expenditures therefor. For such reason the committee may make
8 reductions of such appropriations as in its judgment will secure sound financial
9 operations of the administration for said state agencies and at the same time
10 interfere least with their services and activities.

11 **SECTION 100.** 13.101 (14) of the statutes is amended to read:

12 13.101 (14) With the concurrence of the joint committee on information policy
13 and technology, direct the department of ~~administration~~ electronic government to
14 report to the committee concerning any specific information technology system
15 project in accordance with s. 13.58 (5) (b) 4.

16 **SECTION 101.** 13.106 (2) of the statutes is amended to read:

17 13.106 (2) The Medical College of Wisconsin and the University of
18 Wisconsin-Madison Medical School shall submit a biennial report containing
19 financial summaries for the college and school to the governor and the joint
20 committee on finance, in a consistent format and methodology ~~to be developed in~~
21 ~~consultation with the medical education review committee under s. 39.16.~~

22 **SECTION 102.** 13.123 (1) (a) 1. of the statutes is amended to read:

23 13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit
24 filed with the department of administration, the necessity of establishing a
25 temporary residence at the state capital for the period of any regular or special

SENATE BILL 55**SECTION 102**

1 legislative session shall be entitled to an allowance for expenses incurred for food and
2 lodging for each day that he or she is in Madison on legislative business, but not
3 including any Saturday or Sunday unless the legislator is in actual attendance on
4 such day at a session of the legislature or a meeting of a standing committee of which
5 the legislator is a member. The amount of the allowance for each biennial session
6 shall be established under s. 20.916 (8) 90% of the per diem rate for travel for federal
7 government business within the city of Madison, as established by the federal
8 general services administration. For the purpose of determining the amount of the
9 allowance, the secretary of employment relations shall certify to the chief clerk of
10 each house the federal per diem rate in effect on December 1, or the first business day
11 thereafter if December 1 is not a business day, in each even-numbered year. Each
12 legislator shall file an affidavit with the chief clerk of his or her house certifying the
13 specific dollar amount within the authorized allowance the member wishes to
14 receive. Such affidavit, when filed, shall remain in effect for the biennial session,
15 except that a new affidavit may be filed for any month following an adjustment in
16 the amount of the authorized allowance under s. 20.916 (8).

17 **SECTION 103.** 13.40 of the statutes is created to read:

18 **13.40 Limitation on state appropriations from general purpose**
19 **revenue. (1)** In this section:

20 (a) "Fiscal biennium" means a 2-year period beginning on July 1 of an
21 odd-numbered year.

22 (b) "General purpose revenue" has the meaning given for "general purpose
23 revenues" in s. 20.001 (2) (a).

24 **(2)** Except as provided in sub. (3), the amount appropriated from general
25 purpose revenue for each fiscal biennium, excluding any amount under an

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1 appropriation specified in sub. (3) (a) to (h), as determined under sub. (4), may not
2 exceed the sum of:

3 (a) The amount appropriated from general purpose revenue, excluding any
4 amount under an appropriation specified in sub. (3), for the 2nd fiscal year of the
5 prior fiscal biennium as determined under sub. (4), multiplied by the sum of 1.0 and
6 the annual percentage change in this state's aggregate personal income, expressed
7 as a decimal, for the calendar year that begins on the January 1 which immediately
8 precedes the first year of the fiscal biennium, as estimated by the department of
9 revenue no later than December 5 of each even-numbered year.

10 (b) The amount determined under par. (a) multiplied by the sum of 1.0 and the
11 annual percentage change in this state's aggregate personal income, expressed as a
12 decimal, for the calendar year that begins on the January 1 which immediately
13 precedes the 2nd year of the fiscal biennium, as estimated by the department of
14 revenue no later than December 5 of each even-numbered year.

15 **(3)** The limitation under sub. (2) does not apply to any of the following:

16 (a) An appropriation for principal repayment and interest payments on public
17 debt, as defined in s. 18.01 (4), or operating notes, as defined in s. 18.71 (4).

18 (b) An appropriation to honor a moral obligation undertaken pursuant to ss.
19 18.61 (5), 85.25 (5), 101.143 (9m) (i), 229.50 (7), 229.74 (7), 229.830 (7), 234.15 (4),
20 234.42 (4), 234.54 (4) (b), 234.626 (7), 234.93 (6), 234.932 (6), 234.933 (6), and 281.59
21 (13m).

22 (c) An appropriation to make a payment to the United States that the building
23 commission determines to be payable under s. 13.488 (1) (m).

24 (d) An appropriation contained in a bill that is enacted with approval of at least
25 two-thirds of the members of each house of the legislature.

SENATE BILL 55**SECTION 103**

1 (e) An appropriation for legal expenses and the costs of judgments, orders, and
2 settlements of actions and appeals incurred by the state.

3 (f) An appropriation to make a payment for tax relief under s. 20.835 (2).

4 (g) An appropriation to make a transfer from the general fund to the budget
5 stabilization fund under s. 20.875 (1) (a).

6 (h) An appropriation to make a transfer from the general fund to the tax relief
7 fund under s. 20.876 (1) (a).

8 **(4)** For purposes of sub. (2), the department of administration shall determine
9 the amount appropriated from general purpose revenue for any fiscal biennium to
10 which sub. (2) applies. The department of administration shall make this
11 determination no later than December 31 of each even-numbered year and shall
12 include a statement of the determination in the biennial state budget report
13 prepared under s. 16.46.

14 **SECTION 104.** 13.48 (2) (j) of the statutes is repealed.

15 **SECTION 105.** 13.48 (10) (b) 3m. of the statutes is created to read:

16 13.48 **(10)** (b) 3m. Rehabilitation projects of the Fox River Navigational System
17 Authority.

18 **SECTION 106.** 13.48 (12) (b) 4. of the statutes is created to read:

19 13.48 **(12)** (b) 4. A facility constructed by or for the Fox River Navigational
20 System Authority.

21 **SECTION 107.** 13.48 (13) (a) of the statutes is amended to read:

22 13.48 **(13)** (a) Except as provided in par. (b) or (c), every building, structure or
23 facility that is constructed for the benefit of or use of the state, any state agency,
24 board, commission or department, the University of Wisconsin Hospitals and Clinics
25 Authority, the Fox River Navigational System Authority, or any local professional

SENATE BILL 55**SECTION 107**

1 baseball park district created under subch. III of ch. 229 if the construction is
2 undertaken by the department of administration on behalf of the district, shall be
3 in compliance with all applicable state laws, rules, codes and regulations but the
4 construction is not subject to the ordinances or regulations of the municipality in
5 which the construction takes place except zoning, including without limitation
6 because of enumeration ordinances or regulations relating to materials used,
7 permits, supervision of construction or installation, payment of permit fees, or other
8 restrictions.

9 **SECTION 108.** 13.48 (14) (e) of the statutes is amended to read:

10 13.48 (14) (e) If the state office building located at 3319 West Beltline Highway
11 in Dane County is sold by the state, the building commission shall ensure that the
12 transferee pays \$476,228 from the proceeds of the sale to the Wisconsin Public
13 Broadcasting Foundation, if the foundation exists at the time of the transfer and if
14 the secretary of administration does not transfer title to the building under s. 39.86
15 (2) (a) 2.

16 **SECTION 109.** 13.58 (5) (a) 5. of the statutes is amended to read:

17 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of
18 administration electronic government, the joint committee on legislative
19 organization and the director of state courts, review and transmit comments
20 concerning the plans to the entities submitting the plans.

21 **SECTION 110.** 13.58 (5) (b) 1. of the statutes is amended to read:

22 13.58 (5) (b) 1. Direct the ~~subunit in the department of administration with~~
23 ~~policy-making responsibility related to information technology~~ electronic
24 government to conduct studies or prepare reports on items related to the committee's
25 duties under par. (a).

SENATE BILL 55**SECTION 111**

1 **SECTION 111.** 13.58 (5) (b) 4. (intro.) of the statutes is amended to read:

2 13.58 **(5)** (b) 4. (intro.) With the concurrence of the joint committee on finance,
3 direct the department of administration electronic government to report
4 semiannually to the committee and the joint committee on finance concerning any
5 specific information technology system project which is being designed, developed,
6 tested or implemented and which the committees anticipate will have a total cost to
7 the state exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The
8 report shall include all of the following:

9 **SECTION 112.** 13.62 (2) of the statutes is amended to read:

10 13.62 **(2)** "Agency" means any board, commission, department, office, society,
11 institution of higher education, council or committee in the state government, or any
12 authority created in ch. 231, 232, 233 ~~or~~ 234, or 237, except that the term does not
13 include a council or committee of the legislature.

14 **SECTION 113.** 13.90 (6) of the statutes is amended to read:

15 13.90 **(6)** The joint committee on legislative organization shall adopt, revise
16 biennially and submit to the cochairpersons of the joint committee on information
17 policy and technology, the governor and the ~~secretary of administration~~ chief
18 information officer, no later than September 15 of each even-numbered year, a
19 strategic plan for the utilization of information technology to carry out the functions
20 of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan
21 shall address the business needs of the legislature and legislative service agencies
22 and shall identify all resources relating to information technology which the
23 legislature and legislative service agencies desire to acquire, contingent upon
24 funding availability, the priority for such acquisitions and the justification for such

SENATE BILL 55**SECTION 113**

1 acquisitions. The plan shall also identify any changes in the functioning of the
2 legislature and legislative service agencies under the plan.

3 **SECTION 114.** 13.93 (2) (h) of the statutes is amended to read:

4 13.93 (2) (h) Approve specifications and scheduling for computer databases
5 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
6 prescribed in ss. ~~16.971~~ 22.03 (6) and 35.56 (5).

7 **SECTION 115.** 13.95 (1m) of the statutes is created to read:

8 13.95 (1m) DUTIES OF THE BUREAU; BIENNIAL BUDGET BILL. (a) In this subsection,
9 “version of the biennial budget bill or bills” means the executive biennial budget bill
10 or bills, as modified by an amendment offered by the joint committee on finance, as
11 engrossed by the first house, as concurred in and amended by the 2nd house or as
12 nonconcurred in by the 2nd house, or as reported by any committee on conference.

13 (b) The legislative fiscal bureau shall prepare a statement of estimated general
14 purpose revenue receipts and expenditures in the biennium following the succeeding
15 biennium based on recommendations in each version of the biennial budget bill or
16 bills. The statement shall contain all of the following:

17 1. For the 2nd year of the succeeding biennium, a comparison of the following:

18 a. The amount of moneys projected to be deposited in the general fund during
19 the fiscal year that are designated as “Revenues and Transfers” in the summary in
20 s. 20.005 (1), as published in each version of the biennial budget bill or bills, less the
21 amount designated as the “Opening Balance” in the summary, and adjusted by any
22 one-time deposit of revenues in the general fund.

23 b. The amount of moneys designated as “Total Expenditures” in the summary
24 in s. 20.005 (1), as published in each version of the biennial budget bill or bills,

SENATE BILL 55**SECTION 115**

1 adjusted by any one-time expenditure of general purpose revenue in excess of
2 \$5,000,000.

3 2. An estimate of the cost of any provision in each version of the biennial budget
4 bill or bills that would, without the enactment of subsequent legislation, increase
5 general purpose revenue expenditures or that would decrease the amount of
6 revenues deposited in the general fund in the biennium following the succeeding
7 biennium.

8 3. a. An estimate of the increase in general purpose revenue spending that will
9 be required in the biennium following the succeeding biennium for all of the
10 following: general equalization school aids; appropriations to the department of
11 corrections; the medical assistance program under subch. IV of ch. 49; the amount
12 designated as "Compensation Reserves" in the summary under s. 20.005 (1), as
13 printed in the revised schedule that is approved under s. 20.004 (2) for that fiscal
14 biennium; and public debt contracted under subchs. I and IV of ch. 18.

15 b. For the purpose of making the calculation under subd. 3. a., the bureau shall
16 assume that the increase in general purpose revenue spending between the
17 succeeding biennium and the biennium following the succeeding biennium for each
18 of the items identified in subd. 3. a. is the same as that between the current biennium
19 and the succeeding biennium for these items, as proposed in each version of the
20 biennial budget bill or bills.

21 4. An estimate of the difference between the amount of tax revenues that will
22 be deposited in the general fund in the biennium following the succeeding biennium
23 and the amount of tax revenues that are deposited in the general fund in the
24 succeeding biennium. For the purpose of making this calculation, the bureau shall:

SENATE BILL 55**SECTION 115**

1 a. Assume that the amount of tax revenues that are deposited in the general
2 fund in the succeeding biennium is the amount designated as “Taxes” in the
3 summary in s. 20.005 (1), as published in each version of the biennial budget bill or
4 bills.

5 b. Assume that the annual increase in tax revenues that are deposited in the
6 general fund in each fiscal year of the biennium following the succeeding biennium
7 is the average of the annual increase for each of the 10 preceding fiscal years.

8 c. Adjust the estimate of the amount of tax revenues that are deposited in the
9 general fund in the biennium following the succeeding biennium by any provision in
10 each version of the biennial budget bill or bills that would affect the amount of tax
11 revenues that are deposited in the general fund in the biennium.

12 5. a. A comparison of the following: the amount of moneys that are designated
13 as “Revenues and Transfers” in the summary in s. 20.005 (1), as published in each
14 version of the biennial budget bill or bills, and that are available for appropriation
15 in the 2nd year of the succeeding biennium; and an amount that equals the sum of
16 the amount of moneys designated as “Total Expenditures” in the summary in s.
17 20.005 (1), as published in each version of the biennial budget bill or bills, for the 2nd
18 year of the succeeding biennium and the amount required to fund the increase in
19 general purpose revenue spending in the biennium following the succeeding
20 biennium for each of the items identified in subd. 3. a.

21 b. The bureau shall present this comparison in the format used for the
22 statement of the condition of the general fund in the statement prepared under s.
23 20.005 (1).

SENATE BILL 55**SECTION 115**

1 6. A summary of the amount of additional general purpose revenues that will
2 be available in the biennium following the succeeding biennium for increased
3 expenditures or tax reductions, other than the amount calculated in subd. 4.

4 **SECTION 116.** 14.015 (2) of the statutes is created to read:

5 14.015 (2) CHILDREN'S CABINET BOARD. There is created a children's cabinet
6 board that is attached to the office of the governor under s. 15.03. The board shall
7 consist of the governor, the state superintendent of public instruction, the secretary
8 of administration, the secretary of health and family services, and the secretary of
9 workforce development. When not in conflict with s. 17.025, s. 15.07 applies to the
10 children's cabinet board, except that the governor shall serve as chairperson of the
11 children's cabinet board.

12 **SECTION 117.** 14.019 (2) of the statutes is amended to read:

13 14.019 (2) EFFECT OF APPROPRIATION. Subsection (1) continues to apply to any
14 nonstatutory committee created by the governor even if a part of its expenses is later
15 defrayed from state funds, whether under the general appropriation of s. 20.505 (3)
16 (a) (4) (ba) or under an appropriation enacted specifically for the purposes of such
17 committee.

18 **SECTION 118.** 14.019 (4) of the statutes is amended to read:

19 14.019 (4) PROGRAM FEES. The governor may authorize any committee created
20 under this section to charge a fee for materials and services provided by it in the
21 course of carrying out its responsibilities. The fee may not exceed the actual cost of
22 the materials or services provided. All fees shall be ~~deposited in~~ credited to the
23 appropriation account ~~for the appropriation made~~ under s. 20.505 (3) (4) (h).

24 **SECTION 119.** 14.20 (1) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 119**

1 14.20 (1) (a) “Local governmental unit” has the meaning given in s. ~~16.97~~ 22.01
2 (7).

3 **SECTION 120.** 14.25 of the statutes is created to read:

4 **14.25 Children’s cabinet board. (1) DEFINITIONS.** In this section:

5 (a) “Board” means the children’s cabinet board.

6 (b) “Local consortium” means a combination of individuals, public agencies,
7 nonprofit corporations, for-profit organizations, federally recognized American
8 Indian tribes or bands, or other persons who have agreed to participate in a joint
9 effort to provide a model for the delivery of programs for children as described in sub.
10 (3) (a).

11 (c) “Nonprofit corporation” means a nonstock corporation that is organized
12 under ch. 181 and that is a nonprofit corporation, as defined in s. 181.0103 (17).

13 (d) “Public agency” means a county, city, village, town, or school district or an
14 agency of this state or of a county, city, village, town, or school district.

15 **(2) DUTIES.** The board shall do all of the following:

16 (a) Make recommendations to the governor and the legislature relating to
17 changes needed in state programs, policies, and funding levels to improve the
18 coordination among state agencies of programs for children and to streamline the
19 delivery of those programs and, by September 1 of each even-numbered year, submit
20 a report of those recommendations to the appropriate standing committees of the
21 legislature under s. 13.172 (3) and to the governor.

22 (b) Administer the grant program under sub. (3).

23 (c) Prescribe an assessment to be paid by the department of administration, the
24 department of public instruction, the department of health and family services, and
25 the department of workforce development for the general program operations of the

SENATE BILL 55**SECTION 120**

1 board, which assessment shall be payable to the office of the governor within a time
2 and in accordance with a procedure specified by the board and credited to the
3 appropriation account under s. 20.525 (1) (kd).

4 **(3) GRANTS TO LOCAL CONSORTIA.** (a) From the appropriation under s. 20.525 (1)
5 (fr), the board shall award grants to local consortia to develop models for the delivery
6 of programs for children who are at risk of not being ready to learn when they enter
7 kindergarten or who are at risk of facing barriers to learning while in school. A local
8 consortium that is awarded a grant under this paragraph shall use the grant moneys
9 awarded to develop a model for the delivery of those programs that conforms to the
10 specifications prescribed by the board under par. (b) 1. and that is designed to
11 accomplish all of the following:

12 1. Create closer links between school districts, human service providers, and
13 other community-based providers of programs for children.

14 2. Enable children who are at risk of not being ready to learn when they enter
15 kindergarten to be ready to learn when they enter kindergarten and children who
16 are at risk of facing barriers to learning while in school to overcome those barriers.

17 3. Focus on providing services on a voluntary basis to children under 5 years
18 of age and their families, but also provide services to children and their families, as
19 needed, throughout the elementary and high school grades.

20 4. Meet the performance measures specified by the board under par. (b) 2.

21 (b) In administering the grant program under this subsection, the board shall
22 do all of the following:

23 1. Prescribe specifications for the types of program delivery models that a local
24 consortium may develop under a grant under par. (a) that permit a variety of
25 program delivery models to be provided.

SENATE BILL 55**SECTION 120**

1 2. Prescribe a set of performance measures that a program delivery model
2 developed under a grant under par. (a) must be designed to meet.

3 3. Require a local consortium that applies for a grant under par. (a) to designate
4 a fiscal agent to receive, manage, and account for the grant moneys awarded.

5 **SECTION 121.** 14.26 (7) of the statutes is repealed.

6 **SECTION 122.** 14.28 of the statutes is repealed.

7 **SECTION 123.** 14.63 (3) (a) of the statutes is repealed and recreated to read:

8 14.63 (3) (a) An individual, trust, legal guardian, or entity described under 26
9 USC 529 (e) (1) (C) may enter into a contract with the state treasurer for the sale of
10 tuition units on behalf of a beneficiary.

11 **SECTION 124.** 14.63 (6) (b) of the statutes is amended to read:

12 14.63 (6) (b) The state treasurer shall may terminate a contract under sub. (3)
13 if any of the tuition units purchased under the contract remain unused 10 years after
14 the anticipated academic year of the beneficiary's initial enrollment in an institution
15 of higher education, as specified in the contract.

16 **SECTION 125.** 14.64 (1) (a) of the statutes is amended to read:

17 14.64 (1) (a) "Account owner" means ~~an individual~~ a person who establishes a
18 college savings account under this section.

19 **SECTION 126.** 14.64 (3) (e) of the statutes is amended to read:

20 14.64 (3) (e) The board shall may terminate a college savings account if any
21 portion of the college savings account balance remains unused 10 years after the
22 anticipated academic year of the beneficiary's initial enrollment in an eligible
23 educational institution.

24 **SECTION 127.** 14.90 (2) of the statutes is amended to read:

SENATE BILL 55**SECTION 127**

1 14.90 (2) The members of the commission shall serve without compensation
2 but shall be reimbursed from the appropriation under s. 20.505 ~~(3) (a)~~ (4) (ba) for
3 actual and necessary expenses incurred in the performance of their duties. The
4 commission has the powers granted and the duties ~~granted~~ and imposed under s.
5 39.80.

6 **SECTION 128.** 14.90 (3) of the statutes is amended to read:

7 14.90 (3) From the appropriation under s. 20.505 ~~(3) (a)~~ (4) (ba), the department
8 of administration shall pay the costs of membership in and costs associated with the
9 midwestern higher education compact.

10 **SECTION 129.** 15.01 (2) of the statutes is amended to read:

11 15.01 (2) "Commission" means a 3-member governing body in charge of a
12 department or independent agency or of a division or other subunit within a
13 department, except for the Wisconsin waterways commission which shall consist of
14 5 members, ~~the parole commission which shall consist of 6 members and the Fox~~
15 ~~River management commission which shall consist of 7 members, and the parole~~
16 ~~commission, which shall consist of 6 members, except that during the period from the~~
17 ~~effective date of this subsection [revisor inserts date], until June 30, 2003, the~~
18 ~~parole commission shall consist of 8 members.~~ A Wisconsin group created for
19 participation in a continuing interstate body, or the interstate body itself, shall be
20 known as a "commission", but is not a commission for purposes of s. 15.06. The parole
21 commission created under s. 15.145 (1) shall be known as a "commission", but is not
22 a commission for purposes of s. 15.06.

23 **SECTION 130.** 15.01 (4) of the statutes, as affected by 1999 Wisconsin Act 9,
24 section 12n, is repealed and recreated to read:

SENATE BILL 55**SECTION 130**

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

8 **SECTION 131.** 15.06 (1) (e) of the statutes is repealed.

9 **SECTION 132.** 15.06 (3) (a) 4. of the statutes is repealed.

10 **SECTION 133.** 15.07 (1) (b) 16. of the statutes, as affected by 1997 Wisconsin Act
11 27, is repealed.

12 **SECTION 134.** 15.07 (1) (b) 21. of the statutes is created to read:

13 15.07 (1) (b) 21. The public broadcasting transitional board. This subdivision
14 does not apply after the first day of the 36th month beginning after the effective date
15 of this subdivision [revisor inserts date].

16 **SECTION 135.** 15.07 (2) (L) of the statutes is created to read:

17 15.07 (2) (L) The governor shall serve as chairperson of the information
18 technology management board and the chief information officer shall serve as vice
19 chairperson of that board.

20 **SECTION 136.** 15.07 (3) (bm) 4. of the statutes is created to read:

21 15.07 (3) (bm) 4. The information technology management board shall meet at
22 least 4 times each year and may meet at other times on the call of the chairperson.

23 **SECTION 137.** 15.103 (3) of the statutes is repealed.

24 **SECTION 138.** 15.103 (5) of the statutes is repealed.

25 **SECTION 139.** 15.105 (3) of the statutes is amended to read:

SENATE BILL 55**SECTION 139**

1 15.105 (3) DEPOSITORY SELECTION BOARD. There is created a depository selection
2 board which is attached to the department of administration under s. 15.03. The
3 depository selection board shall consist of the state treasurer, the secretary of
4 administration, and the ~~executive director of the investment board~~ secretary of
5 revenue or their designees.

6 **SECTION 140.** 15.105 (8) of the statutes is created to read:

7 15.105 (8) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. There is
8 created a board on education evaluation and accountability, attached to the
9 department of administration under s. 15.03, consisting of 5 members appointed for
10 4-year terms. At least one member shall be experienced in education evaluation and
11 assessment.

12 **SECTION 141.** 15.105 (16) of the statutes, as affected by 1997 Wisconsin Act 27,
13 is repealed.

14 **SECTION 142.** 15.105 (24) (title) of the statutes is renumbered 15.225 (4) (title).

15 **SECTION 143.** 15.105 (24) (a) of the statutes is renumbered 15.225 (4) (a) and
16 amended to read:

17 15.225 (4) (a) *Creation.* There is created a national and community service
18 board which is attached to the department of ~~administration~~ workforce development
19 under s. 15.03.

20 **SECTION 144.** 15.105 (24) (b) of the statutes is renumbered 15.225 (4) (b).

21 **SECTION 145.** 15.105 (24) (c) (intro.) of the statutes is renumbered 15.225 (4)
22 (c) (intro.).

23 **SECTION 146.** 15.105 (24) (c) 1. of the statutes is renumbered 15.225 (4) (c) 1.

24 **SECTION 147.** 15.105 (24) (c) 2. of the statutes is renumbered 15.225 (4) (c) 2.

25 **SECTION 148.** 15.105 (24) (c) 3. of the statutes is renumbered 15.225 (4) (c) 3.

SENATE BILL 55**SECTION 149**

1 **SECTION 149.** 15.105 (24) (c) 4. of the statutes is renumbered 15.225 (4) (c) 4.

2 **SECTION 150.** 15.105 (24) (c) 4m. of the statutes is renumbered 15.225 (4) (c)

3 4m. and amended to read:

4 15.225 (4) (c) 4m. The secretary of ~~administration~~ workforce development or
5 his or her designee.

6 **SECTION 151.** 15.105 (24) (c) 5. of the statutes is renumbered 15.225 (4) (c) 5.

7 **SECTION 152.** 15.105 (24) (c) 6. of the statutes is renumbered 15.225 (4) (c) 6.

8 **SECTION 153.** 15.105 (24) (c) 7. of the statutes is renumbered 15.225 (4) (c) 7.

9 **SECTION 154.** 15.105 (24) (c) 8. of the statutes is renumbered 15.225 (4) (c) 8.

10 **SECTION 155.** 15.105 (24) (c) 9. of the statutes is renumbered 15.225 (4) (c) 9.

11 **SECTION 156.** 15.105 (24) (c) 10. of the statutes is renumbered 15.225 (4) (c) 10.

12 **SECTION 157.** 15.105 (24) (d) of the statutes is renumbered 15.225 (4) (d).

13 **SECTION 158.** 15.105 (24) (e) of the statutes is renumbered 15.225 (4) (e).

14 **SECTION 159.** 15.105 (25) (bm) of the statutes is amended to read:

15 15.105 (25) (bm) A member of the educational communications board. If the
16 secretary of administration determines that the federal communications
17 commission has approved the transfer of all broadcasting licenses held by the
18 educational communications board to the broadcasting corporation, as defined in s.
19 39.81 (2), this paragraph does not apply on and after the effective date of the last
20 license transferred as determined by the secretary of administration under s. 39.87
21 (2) (a).

22 **SECTION 160.** 15.105 (25) (c) of the statutes is amended to read:

23 15.105 (25) (c) Four or, if the secretary of administration determines that the
24 federal communications commission has approved the transfer of all broadcasting
25 licenses held by the educational communications board to the broadcasting

SENATE BILL 55**SECTION 160**

1 corporation, as defined in s. 39.81 (2), on and after the effective date of the last license
2 transferred as determined by the secretary of administration under s. 39.87 (2) (a),
3 5 other members.

4 **SECTION 161.** 15.107 (6) of the statutes is repealed.

5 **SECTION 162.** 15.107 (7) (f) of the statutes is amended to read:

6 15.107 (7) (f) A representative of the ~~unit in the department of administration~~
7 ~~that deals with information technology~~ electronic government.

8 **SECTION 163.** 15.107 (16) (b) 14. of the statutes is created to read:

9 15.107 (16) (b) 14. One member who is a representative from a public utility.

10 **SECTION 164.** 15.107 (16) (b) 15. of the statutes is created to read:

11 15.107 (16) (b) 15. One member who represents a professional land information
12 organization.

13 **SECTION 165.** 15.107 (16) (b) 16. of the statutes is created to read:

14 15.107 (16) (b) 16. One member who is nominated by a statewide association
15 whose purposes include support of a network of statewide land information systems.

16 **SECTION 166.** 15.107 (16) (d) of the statutes is amended to read:

17 15.107 (16) (d) *Terms, chairperson.* The members listed under par. (b) 8. to ~~13.~~
18 16. shall be appointed for 5-year terms. The governor shall appoint the chairperson
19 of the council, who shall serve at the pleasure of the governor.

20 **SECTION 167.** 15.107 (16) (e) of the statutes is repealed.

21 **SECTION 168.** 15.137 (1) of the statutes is created to read:

22 15.137 (1) AGRICULTURAL PRODUCER SECURITY COUNCIL. (a) There is created in
23 the department of agriculture, trade and consumer protection an agricultural
24 producer security council consisting of the following members appointed by the
25 secretary of agriculture, trade and consumer protection for 3-year terms:

SENATE BILL 55**SECTION 168**

1 1. One person representing the Farmers' Educational and Cooperative Union
2 of America, Wisconsin Division.

3 2. One person representing the Midwest Food Processors Association, Inc.

4 3. One person representing the National Farmers' Organization, Inc.

5 4. One person representing the Wisconsin Agri-Service Association, Inc.

6 5. One person representing the Wisconsin Cheese Makers Association.

7 6. One person representing both the Wisconsin Corn Growers Association, Inc.,
8 and the Wisconsin Soybean Association, Inc.

9 7. One person representing the Wisconsin Dairy Products Association, Inc.

10 8. One person representing the Wisconsin Farm Bureau Federation.

11 9. One person representing the Wisconsin Federation of Cooperatives.

12 10. One person representing the Wisconsin Potato and Vegetable Growers
13 Association, Inc.

14 (b) Each organization identified in par. (a) shall nominate 2 persons to
15 represent that organization on the agricultural producer security council. The
16 secretary of agriculture, trade and consumer protection shall appoint members from
17 among the nominees.

18 **SECTION 169.** 15.145 (1) of the statutes is amended to read:

19 15.145 (1) PAROLE COMMISSION. There is created in the department of
20 corrections a parole commission ~~consisting of 6, which shall consist of 6 members,~~
21 except that during the period from the effective date of this subsection ... [revisor
22 inserts date], until June 30, 2003, the parole commission shall consist of 8 members.
23 Members shall have knowledge of or experience in corrections or criminal justice.
24 The members shall include a chairperson who is nominated by the governor, and
25 with the advice and consent of the senate appointed, for a 2-year term expiring

SENATE BILL 55**SECTION 169**

1 March 1 of the odd-numbered years, subject to removal under s. 17.07 (3m), and 5
2 the remaining members in the classified service appointed by the chairperson.

3 **SECTION 170.** 15.157 (3) of the statutes is amended to read:

4 15.157 (3) DWELLING CODE COUNCIL. There is created in the department of
5 commerce, a dwelling code council, consisting of ~~17~~ 18 members appointed for
6 staggered 3-year terms. Four members shall be representatives of building trade
7 labor organizations; 4 members shall be certified building inspectors employed by
8 local units of government; 2 members shall be representatives of building contractors
9 actively engaged in on-site construction of one- and 2-family housing; 2 members
10 shall be representatives of manufacturers or installers of manufactured one- and
11 2-family housing; one member shall be an architect, engineer or designer actively
12 engaged in the design or evaluation of one- and 2-family housing; 2 members shall
13 represent the construction material supply industry; one member shall represent
14 remodeling contractors actively engaged in the remodeling of one-family and
15 2-family housing; and 2 members shall represent the public, one of whom shall
16 represent persons with disabilities, as defined in s. 106.50 (1m) (g). An employee of
17 the department designated by the secretary of commerce shall serve as nonvoting
18 secretary of the council. The council shall meet at least twice a year. Eleven members
19 of the council shall constitute a quorum. For the purpose of conducting business a
20 majority vote of the council is required.

21 **SECTION 171.** 15.157 (8) (intro.) of the statutes is amended to read:

22 15.157 (8) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the
23 department of commerce a rural health development council consisting of ~~11~~ 12
24 members nominated by the governor, and with the advice and consent of the senate
25 appointed, for 5-year terms, and the secretaries of commerce and health and family

SENATE BILL 55**SECTION 171**

1 services, or their designees. The appointed members shall include all of the
2 following:

3 **SECTION 172.** 15.157 (8) (g) of the statutes is amended to read:

4 15.157 (8) (g) A physician licensed under ch. 448, a dentist licensed under ch.
5 447, and a nurse licensed under ch. 441, ~~both~~ all of whom practice in a rural area,
6 and a representative of public health services.

7 **SECTION 173.** 15.157 (11) of the statutes is repealed.

8 **SECTION 174.** 15.195 (5) of the statutes is renumbered 15.105 (11) and amended
9 to read:

10 15.105 (11) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD.
11 There is created an adolescent pregnancy prevention and pregnancy services board
12 which is attached to the department of ~~health and family services~~ administration
13 under s. 15.03. The board shall consist of 13 members. Notwithstanding s. 15.07 (2)
14 (intro.), one member shall be the executive director of the women's council under s.
15 16.01, who shall be a nonvoting member and shall serve permanently as chairperson
16 of the board. Six members shall be state employees who are appointed for
17 membership by the women's council and shall be nonvoting members. The
18 remaining 6 members shall be appointed for 3-year terms, shall represent an equal
19 balance of points of view on pregnancy prevention and pregnancy services and shall
20 be persons who are nominated for membership by statewide organizations that
21 together represent an equal balance of points of view on pregnancy prevention and
22 pregnancy services.

23 **SECTION 175.** 15.21 of the statutes is created to read:

24 **15.21 Department of electronic government; creation.** There is created
25 a department of electronic government under the direction and supervision of the

SENATE BILL 55**SECTION 175**

1 secretary of electronic government, who shall be known as the “chief information
2 officer.”

3 **SECTION 176.** 15.215 of the statutes is created to read:

4 **15.215 Same; attached boards. (1) INFORMATION TECHNOLOGY MANAGEMENT**
5 **BOARD.** There is created an information technology management board which is
6 attached to the department of electronic government under s. 15.03. The board shall
7 consist of the governor, the chief information officer, the secretary of administration,
8 2 heads of departments or independent agencies appointed to serve at the pleasure
9 of the governor, and 2 other members appointed to serve for 4-year terms.

10 **SECTION 177.** 15.223 (3) of the statutes is repealed.

11 **SECTION 178.** 15.225 (2) of the statutes is renumbered 15.227 (2) and amended
12 to read:

13 15.227 (2) ~~WISCONSIN CONSERVATION CORPS BOARD~~ COUNCIL. (a) *Creation.* There
14 is created a ~~Wisconsin conservation corps board~~ which is attached to in the
15 department of workforce development under s. 15.03 a Wisconsin conservation corps
16 council.

17 (b) *Membership.* The Wisconsin conservation corps ~~board~~ council consists of 7
18 members appointed by the governor from various areas of the state in a manner
19 designed to provide regional, environmental, and agricultural representation. One
20 member of the ~~board~~ council shall be a member or employee of a local workforce
21 development board established under 29 USC 2832.

22 (c) *Liaison representatives.* The secretary of agriculture, trade and consumer
23 protection, the secretary of health and family services, the secretary of workforce
24 development, the secretary of natural resources, and the chancellor of the University
25 of Wisconsin-Extension, or a designee of such a secretary or the chancellor, shall

SENATE BILL 55**SECTION 178**

1 serve as liaison representatives to the Wisconsin conservation corps ~~board~~, council
2 and provide information to and assist the ~~board~~ council. The liaison representatives
3 are not ~~board~~ council members and may not vote on any ~~board~~ council decision or
4 ~~action~~ recommendation.

5 (d) *Terms*. Members of the Wisconsin conservation corps ~~board~~ council shall
6 serve staggered 6-year terms.

7 **SECTION 179.** 15.225 (3) (b) 6. of the statutes is amended to read:

8 15.225 (3) (b) 6. The An administrator of the a division of workforce excellence
9 in the department of workforce development, designated by the governor.

10 **SECTION 180.** 15.345 (5) of the statutes is amended to read:

11 15.345 (5) FOX RIVER MANAGEMENT COMMISSION. There is created in the
12 department of natural resources a Fox River management commission consisting of
13 7 members. The commission shall cease to exist on the day after the date on which
14 the state and the Fox River Navigational System Authority enter into the lease
15 agreement specified in s. 237.06.

16 **SECTION 181.** 15.347 (3) of the statutes is created to read:

17 15.347 (3) GREEN TIER COUNCIL. There is created in the department of natural
18 resources a green tier council consisting of 15 members. The governor shall appoint
19 members representing environmental organizations, businesses, and local
20 governmental units and members that do not represent any of these entities.

21 **SECTION 182.** 15.373 (2) of the statutes is amended to read:

22 15.373 (2) DIVISION FOR LIBRARIES, TECHNOLOGY, AND COMMUNITY LEARNING. There
23 is created in the department of public instruction a division for libraries, technology,
24 and community learning.

25 **SECTION 183.** 15.407 (2) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 183**

1 15.407 (2) (a) The vice chancellor for ~~health sciences~~ medical affairs of the
2 University of Wisconsin-Madison or the vice chancellor's designee.

3 **SECTION 184.** 15.57 of the statutes is renumbered 15.57 (1).

4 **SECTION 185.** 15.57 (2m) of the statutes is created to read:

5 15.57 (2m) If the secretary of administration determines that the federal
6 communications commission has approved the transfer of all broadcasting licenses
7 held by the educational communications board to the broadcasting corporation
8 defined in s. 39.81 (2), this section does not apply on and after the effective date of
9 the last license transferred as determined by the secretary of administration under
10 s. 39.87 (2) (a).

11 **SECTION 186.** 15.707 (3) of the statutes is repealed.

12 **SECTION 187.** 15.915 (2) (a) of the statutes is amended to read:

13 15.915 (2) (a) The ~~president~~ chancellor of the University of Wisconsin System
14 Wisconsin-Madison, the secretary of health and family services, the secretary of
15 natural resources and the secretary of agriculture, trade and consumer protection,
16 or their designees.

17 **SECTION 188.** 15.98 of the statutes is created to read:

18 **15.98 Public broadcasting transitional board; creation.** (1) In this
19 section, "friends group" has the meaning given in s. 39.81 (5).

20 (2) There is created a public broadcasting transitional board consisting of the
21 following members:

22 (a) The secretary of administration or his or her designee.

23 (b) The president of the University of Wisconsin System or his or her designee.

24 (c) The state superintendent of public instruction or his or her designee.

25 (d) The director of the technical college system or his or her designee.

SENATE BILL 55**SECTION 188**

1 (e) The president of the Wisconsin Association of Independent Colleges and
2 Universities or his or her designee.

3 (f) One member of each house of the legislature from the political party with
4 the most members in that house, appointed as are members of standing committees.

5 (g) Two members appointed by the governor who belong to the Wisconsin Public
6 Radio Association, for 3-year terms.

7 (h) One member appointed by the governor who belongs to a friends group
8 organized to raise funds for television station WHA, for a 3-year term.

9 (i) One member appointed by the governor who resides in this state outside the
10 viewing area of television station WHA, for a 3-year term.

11 (j) One member appointed by the governor who is a representative of public
12 elementary and secondary school administrators, for a 3-year term.

13 (k) Eight members appointed by the governor who are employed in the private
14 sector, for 3-year terms.

15 (3) The appointment of the members specified in sub. (2) (g) to (k) is subject to
16 senate confirmation.

17 (4) This section does not apply beginning on the first day of the 36th month
18 commencing after the effective date of this subsection [revisor inserts date].

19 **SECTION 189.** 16.002 (2) of the statutes is amended to read:

20 16.002 (2) "Departments" means constitutional offices, departments and
21 independent agencies and includes all societies, associations and other agencies of
22 state government for which appropriations are made by law, but not including
23 authorities created in chs. 231, 232, 233, 234, and 237.

24 **SECTION 190.** 16.004 (4) of the statutes is amended to read:

SENATE BILL 55**SECTION 190**

1 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
2 department as the secretary designates may enter into the offices of state agencies
3 and authorities created under chs. 231, 233 ~~and, 234, and 237~~, and may examine
4 their books and accounts and any other matter which in the secretary's judgment
5 should be examined and may interrogate the agency's employees publicly or
6 privately relative thereto.

7 **SECTION 191.** 16.004 (5) of the statutes is amended to read:

8 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
9 authorities created under chs. 231, 233 ~~and, 234, and 237~~, and their officers and
10 employees, shall cooperate with the secretary and shall comply with every request
11 of the secretary relating to his or her functions.

12 **SECTION 192.** 16.004 (12) (a) of the statutes is amended to read:

13 16.004 (12) (a) In this subsection, "state agency" means an association,
14 authority, board, department, commission, independent agency, institution, office,
15 society or other body in state government created or authorized to be created by the
16 constitution or any law, including the legislature, the office of the governor and the
17 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority
18 and the Fox River Navigational System Authority.

19 **SECTION 193.** 16.004 (14) of the statutes is renumbered 38.04 (19) and amended
20 to read:

21 38.04 (19) ~~GRANTS TO TECHNICAL COLLEGES~~ CAPACITY BUILDING PROGRAM. From
22 the appropriation under s. ~~20.505 (4) (e)~~ 20.292 (1) (cm), the secretary ~~board~~ shall
23 award grants to ~~technical college~~ district boards to develop or expand programs in
24 occupational areas in which there is a high demand for workers, and to make capital

SENATE BILL 55**SECTION 193**

1 expenditures that are necessary for such development or expansion, as determined
2 by the secretary.

3 **SECTION 194.** 16.008 (2) of the statutes is amended to read:

4 16.008 (2) The state shall pay for extraordinary police services provided
5 directly to state facilities, as defined in s. 70.119 (3) (e), in response to a request of
6 a state officer or agency responsible for the operation and preservation of such
7 facilities. The University of Wisconsin Hospitals and Clinics Authority shall pay for
8 extraordinary police services provided to facilities of the authority described in s.
9 70.11 (38). The Fox River Navigational System Authority shall pay for extraordinary
10 police services provided to the navigational system, as defined in s. 237.01 (4).
11 Municipalities or counties which provide extraordinary police services to state
12 facilities may submit claims to the claims board for actual additional costs related
13 to wage and disability payments, pensions and worker's compensation payments,
14 damage to equipment and clothing, replacement of expendable supplies, medical and
15 transportation expense and other necessary expenses. The clerk of the municipality
16 or county submitting a claim shall also transmit an itemized statement of charges
17 and a statement which identifies the facility served and the person who requested
18 the services. The board shall obtain a review of the claim and recommendations from
19 the agency responsible for the facility prior to proceeding under s. 16.007 (3), (5) and
20 (6).

21 **SECTION 195.** 16.023 (1) (f) of the statutes is repealed.

22 **SECTION 196.** 16.023 (1) (fm) of the statutes is created to read:

23 16.023 (1) (fm) Establish a land information working group that is composed
24 of the state cartographer, a representative of the University of Wisconsin System

SENATE BILL 55**SECTION 196**

1 who has expertise in land information issues and any other land information experts
2 designated by the council's chairperson, to conduct all of the following functions:

3 1. Study and recommend land information standards to the council and the
4 department.

5 2. Advise the council and the department on a Wisconsin land information
6 system.

7 3. Advise the council and the department on coordination of state and local land
8 information.

9 4. Review county land records modernization plans and make
10 recommendations on approval to the council and the department.

11 **SECTION 197.** 16.023 (1) (m) of the statutes is repealed.

12 **SECTION 198.** 16.023 (1) (n) of the statutes is created to read:

13 16.023 (1) (n) Review land information grant applications that are made under
14 s. 16.967 (7) and make recommendations on approval to the department.

15 **SECTION 199.** 16.023 (1) (o) of the statutes is created to read:

16 16.023 (1) (o) Review proposed expenditures to be made to finance planning
17 activities related to the transportation elements of comprehensive plans under s.
18 16.9651 (2) and make recommendations on approval to the department.

19 **SECTION 200.** 16.023 (2) of the statutes is amended to read:

20 16.023 (2) In conjunction with the working group established under sub. (1) (L)
21 1., the council shall, not later than one year after October 14, 1997, develop
22 evaluation criteria for its functions under sub. (1). The council shall complete a
23 report that contains an evaluation of its functions and activities not later than
24 September 1, 2002, and shall submit the report to the chief clerk of each house of the
25 legislature, for distribution to the legislature under s. 13.172 (2), and to the governor.

SENATE BILL 55**SECTION 200**

1 The report shall also include a recommendation as to whether ~~the council should~~
2 ~~continue in existence past its sunset date specified in s. 15.107 (16) (e) and, if so, a~~
3 ~~recommendation as to whether~~ any structural modifications should be made to the
4 council's functions or to the state's land use programs.

5 **SECTION 201.** 16.023 (3) of the statutes is repealed.

6 **SECTION 202.** 16.045 (1) (a) of the statutes is amended to read:

7 16.045 (1) (a) "Agency" means an office, department, independent agency,
8 institution of higher education, association, society or other body in state
9 government created or authorized to be created by the constitution or any law, which
10 is entitled to expend moneys appropriated by law, including the legislature and the
11 courts, but not including an authority created in ch. 231, 232, 233, 234, or ~~235~~ 237.

12 **SECTION 203.** 16.07 of the statutes is created to read:

13 **16.07 State and local governmental policy coordination; mediation.**

14 (1) In this section:

15 (a) "Agency" has the meaning given in s. 16.70 (1).

16 (b) "Local governmental unit" has the meaning given in s. 22.01 (7).

17 (2) The department shall, to the extent possible, coordinate state policies
18 governing the relationship between the state and local governmental units and shall
19 attempt to make those policies as uniform as practicable.

20 (3) The department may attempt to mediate disputes between local
21 governmental units and agencies to the extent feasible.

22 (4) The secretary shall appoint a state-local government coordinator outside
23 the classified service to carry out the department's responsibilities under this
24 section.

25 **SECTION 204.** 16.22 (title) of the statutes is renumbered 106.22 (title).

SENATE BILL 55**SECTION 205**

1 **SECTION 205.** 16.22 (1) of the statutes is renumbered 106.22 (1).

2 **SECTION 206.** 16.22 (2) (intro.) of the statutes is renumbered 106.22 (2) (intro.).

3 **SECTION 207.** 16.22 (2) (a) of the statutes is renumbered 106.22 (2) (a).

4 **SECTION 208.** 16.22 (2) (b) of the statutes is renumbered 106.22 (2) (b).

5 **SECTION 209.** 16.22 (2) (c) of the statutes is renumbered 106.22 (2) (c).

6 **SECTION 210.** 16.22 (2) (d) of the statutes is renumbered 106.22 (2) (d).

7 **SECTION 211.** 16.22 (2) (e) of the statutes is renumbered 106.22 (2) (e).

8 **SECTION 212.** 16.22 (2) (f) of the statutes is renumbered 106.22 (2) (f).

9 **SECTION 213.** 16.22 (2) (g) of the statutes is renumbered 106.22 (2) (g).

10 **SECTION 214.** 16.22 (2) (h) of the statutes is renumbered 106.22 (2) (h) and
11 amended to read:

12 106.22 (2) (h) From the appropriations under s. ~~20.505 (4) (j) and (p)~~ 20.445 (6)
13 (jb) and (m), award grants to persons providing national service programs, giving
14 priority to the greatest extent practicable to persons providing youth corps programs.

15 **SECTION 215.** 16.22 (2) (i) of the statutes is renumbered 106.22 (2) (i).

16 **SECTION 216.** 16.22 (2) (j) of the statutes is renumbered 106.22 (2) (j).

17 **SECTION 217.** 16.22 (2) (k) of the statutes is renumbered 106.22 (2) (k).

18 **SECTION 218.** 16.22 (2) (L) of the statutes is renumbered 106.22 (2) (L).

19 **SECTION 219.** 16.22 (3) of the statutes is renumbered 106.22 (3).

20 **SECTION 220.** 16.251 of the statutes is created to read:

21 **16.251 Emergency weather warning system. (1)** In this section,
22 “broadcasting corporation” has the meaning given in s. 39.81 (2).

23 **(2)** If the secretary determines that the federal communications commission
24 has approved the transfer of all broadcasting licenses held by the educational
25 communications board to the broadcasting corporation, on and after the effective

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1 date of the last license transferred, as determined by the secretary under s. 39.87 (2)
2 (a), the department shall contract with the broadcasting corporation for the
3 operation of an emergency weather warning system.

4 **SECTION 221.** 16.26 of the statutes is created to read:

5 **16.26 Public broadcasting assets. (1)** In this section:

6 (a) "Broadcasting corporation" has the meaning given under s. 39.81 (2).

7 (b) "Shared asset" means an asset of the state that, as determined by the
8 secretary, is used for the purpose of providing public broadcasting, including a tower,
9 transmitter, transmission facility or other related structure, equipment, or property,
10 and that is also used by another agency, as defined in s. 16.70 (1).

11 **(2)** If the secretary determines that the federal communications commission
12 has approved the transfer of all broadcasting licenses held by the educational
13 communications board to the broadcasting corporation, the secretary shall negotiate
14 and enter into an agreement to lease, sell, or otherwise transfer any shared asset
15 used by the educational communications board to the broadcasting corporation. In
16 addition, the secretary shall negotiate and enter into an agreement with the
17 broadcasting corporation regarding the payment of any outstanding debt service of
18 the educational communications board related to public broadcasting.

19 **(3)** If the secretary determines that the federal communications commission
20 has approved the transfer of all broadcasting licenses, except licenses for student
21 radio, held by the board of regents of the University of Wisconsin System to the
22 broadcasting corporation, the secretary shall negotiate and enter into an agreement
23 to lease, sell, or otherwise transfer any shared asset used by the University of
24 Wisconsin System to the broadcasting corporation. In addition, the secretary shall
25 negotiate and enter into an agreement with the broadcasting corporation regarding

SENATE BILL 55**SECTION 221**

1 the payment of any outstanding debt service of the board of regents of the University
2 of Wisconsin System related to public broadcasting.

3 **SECTION 222.** 16.339 (2) (a) of the statutes is amended to read:

4 16.339 (2) (a) From the appropriation under s. 20.505 (7) (~~dm~~) (fm), the
5 department may award a grant to an eligible applicant for the purpose of providing
6 transitional housing and associated supportive services to homeless individuals and
7 families if the conditions under par. (b) are satisfied. The department shall ensure
8 that the funds for the grants are reasonably balanced among geographic areas of the
9 state, consistent with the quality of applications submitted.

10 **SECTION 223.** 16.352 (2) (a) of the statutes is amended to read:

11 16.352 (2) (a) From the appropriations under s. 20.505 (7) (fm) and (~~gm~~) (h),
12 the department shall award grants to eligible applicants for the purpose of
13 supplementing the operating budgets of agencies and shelter facilities that have or
14 anticipate a need for additional funding because of the renovation or expansion of an
15 existing shelter facility, the development of an existing building into a shelter facility,
16 the expansion of shelter services for homeless persons, or an inability to obtain
17 adequate funding to continue the provision of an existing level of services.

18 **SECTION 224.** 16.352 (2) (b) (intro.) of the statutes is amended to read:

19 16.352 (2) (b) (intro.) The department shall allocate funds from the
20 appropriations under s. 20.505 (7) (fm) and (~~gm~~) (h) for temporary shelter for
21 homeless individuals and families as follows:

22 **SECTION 225.** 16.385 (3) (e) 1. of the statutes is amended to read:

23 16.385 (3) (e) 1. Allocate and transfer to the appropriation under s. 20.505 (7)
24 (~~km~~) (kg), 15% of the moneys received under 42 USC 8621 to 8629 in each federal
25 fiscal year under the priority of maintaining funding for the geographical areas on

SENATE BILL 55**SECTION 225**

1 July 20, 1985, and, if funding is reduced, prorating contracted levels of payment, for
2 the weatherization assistance program administered by the department under s.
3 16.39.

4 **SECTION 226.** 16.40 (14) of the statutes is amended to read:

5 16.40 (14) COMMITTEES. Perform administrative services required to properly
6 account for the finances of committees created by law or executive order. The
7 governor may authorize each committee to make expenditures from the
8 appropriation under s. 20.505 ~~(3) (a)~~ (4) (ba) not exceeding \$2,000 per fiscal year. The
9 governor shall report such authorized expenditures to the joint committee on finance
10 at the next quarterly meeting of the committee. If the governor desires to authorize
11 expenditures of more than \$2,000 per fiscal year by a committee, the governor shall
12 submit to the joint committee on finance for its approval a complete budget for all
13 expenditures made or to be made by the committee. The budget may cover a period
14 encompassing more than one fiscal year or biennium during the governor's term of
15 office. If the joint committee on finance approves a budget authorizing expenditures
16 of more than \$2,000 per fiscal year by such a committee, the governor may authorize
17 the expenditures to be made within the limits of the appropriation under s. 20.505
18 ~~(3) (a)~~ (4) (ba) in accordance with the approved budget during the period covered by
19 the budget. If after the joint committee on finance approves a budget for such a
20 committee the governor desires to authorize expenditures in excess of the authorized
21 expenditures under the approved budget, the governor shall submit a modified
22 budget for the committee to the joint committee on finance. If the joint committee
23 on finance approves a modified budget, the governor may authorize additional
24 expenditures to be made within the limits of the appropriation under s. 20.505 ~~(3)~~

SENATE BILL 55**SECTION 226**

1 ~~(a)~~ (4) (ba) in accordance with the modified budget during the period covered by the
2 modified budget.

3 **SECTION 227.** 16.40 (17) of the statutes is amended to read:

4 16.40 **(17)** INTERSTATE BODIES. Perform administrative services required to
5 properly account for dues and related expenses for state participation in national or
6 regional interstate governmental bodies specified in s. 20.505 ~~(3)~~ ~~(a)~~ (4) (ba) or
7 determined by the governor.

8 **SECTION 228.** 16.41 (4) of the statutes is amended to read:

9 16.41 **(4)** In this section, “authority” means a body created under ch. 231, 233
10 ~~or~~, 234, or 237.

11 **SECTION 229.** 16.417 of the statutes is repealed.

12 **SECTION 230.** 16.43 of the statutes is amended to read:

13 **16.43 Budget compiled.** The secretary shall compile and submit to the
14 governor or the governor-elect and to each person elected to serve in the legislature
15 during the next biennium, not later than November 20 of each even-numbered year,
16 a compilation giving all of the data required by s. 16.46 to be included in the state
17 budget report, except the recommendations of the governor and the explanation
18 thereof. The secretary shall not include in the compilation any provision for the
19 development or implementation of an information technology development project
20 for an executive branch agency that is not consistent with the strategic plan of the
21 agency, as approved under s. 22.13.

22 **SECTION 231.** 16.46 (5m) of the statutes is created to read:

23 16.46 **(5m)** A statement of estimated general purpose revenue receipts and
24 expenditures in the biennium following the succeeding biennium based on

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1 recommendations in the budget bill or bills. The statement shall contain all of the
2 following:

3 (a) For the 2nd year of the succeeding biennium, a comparison of the following:

4 1. The amount of moneys projected to be deposited in the general fund during
5 the fiscal year that are designated as "Revenues and Transfers" in the summary in
6 s. 20.005 (1), as published in the biennial budget bill or bills, less the amount
7 designated as the "Opening Balance" in the summary, and adjusted by any one-time
8 deposit of revenues in the general fund.

9 2. The amount of moneys designated as "Total Expenditures" in the summary
10 in s. 20.005 (1), as published in the biennial budget bill or bills, adjusted by any
11 one-time expenditure of general purpose revenue in excess of \$5,000,000.

12 (b) An estimate of the cost of any provision in the biennial budget bill or bills
13 that would, without the enactment of subsequent legislation, increase general
14 purpose revenue expenditures or that would decrease the amount of revenues
15 deposited in the general fund in the biennium following the succeeding biennium.

16 (c) 1. An estimate of the increase in general purpose revenue spending that will
17 be required in the biennium following the succeeding biennium for all of the
18 following:

19 a. General equalization school aids.

20 b. Appropriations to the department of corrections.

21 c. The medical assistance program under subch. IV of ch. 49.

22 d. The amount designated as "Compensation Reserves" in the summary under
23 s. 20.005 (1), as printed in the revised schedule that is approved under s. 20.004 (2)
24 for that fiscal biennium.

25 e. Public debt contracted under subchs. I and IV of ch. 18.

SENATE BILL 55**SECTION 231**

1 2. For the purpose of making the calculation under subd. 1., the secretary shall
2 assume that the increase in general purpose revenue spending between the
3 succeeding biennium and the biennium following the succeeding biennium for each
4 of the items identified in subd. 1. a. to 1. e. is the same as that between the current
5 biennium and the succeeding biennium for these items, as proposed in the biennial
6 budget bill or bills.

7 (d) An estimate of the difference between the amount of tax revenues that will
8 be deposited in the general fund in the biennium following the succeeding biennium
9 and the amount of tax revenues that are deposited in the general fund in the
10 succeeding biennium. For the purpose of making this calculation, the secretary
11 shall:

12 1. Assume that the amount of tax revenues that are deposited in the general
13 fund in the succeeding biennium is the amount designated as "Taxes" in the
14 summary in s. 20.005 (1), as published in the biennial budget bill or bills.

15 2. Assume that the annual increase in tax revenues that are deposited in the
16 general fund in each fiscal year of the biennium following the succeeding biennium
17 is the average of the annual increase for each of the 10 preceding fiscal years.

18 3. Adjust the estimate of the amount of tax revenues that are deposited in the
19 general fund in the biennium following the succeeding biennium by any provision in
20 the biennial budget bill or bills that would affect the amount of tax revenues that are
21 deposited in the general fund in the biennium.

22 (e) 1. A comparison of the following:

23 a. The amount of moneys that are designated as "Revenues and Transfers" in
24 the summary in s. 20.005 (1), as published in the biennial budget bill or bills, and that
25 are available for appropriation in the 2nd year of the succeeding biennium.

SENATE BILL 55**SECTION 231**

1 b. An amount that equals the sum of the amount of moneys designated as “Total
2 Expenditures” in the summary in s. 20.005 (1), as published in the biennial budget
3 bill or bills, for the 2nd year of the succeeding biennium and the amount required to
4 fund the increase in general purpose revenue spending in the biennium following the
5 succeeding biennium for each of the items identified in par. (c) 1. a. to 1. e.

6 2. The secretary shall present this comparison in the format used for the
7 statement of the condition of the general fund in the statement prepared under s.
8 20.005 (1).

9 (f) A summary of the amount of additional general purpose revenues that will
10 be available in the biennium following the succeeding biennium for increased
11 expenditures or tax reductions, other than the amount calculated in par. (d).

12 **SECTION 232.** 16.46 (9) of the statutes is created to read:

13 16.46 (9) A comparison of the state’s budgetary surplus or deficit according to
14 generally accepted accounting principles, as reported in any audited financial report
15 prepared by the department for the most recent fiscal year, and the estimated change
16 in the surplus or deficit based on recommendations in the biennial budget bill or bills.
17 For the purpose of this calculation, the secretary shall increase or decrease the
18 surplus or deficit by the amount designated as “Gross Balances” that appears in the
19 2nd year of the biennium in the summary in s. 20.005 (1), as published in the biennial
20 budget bill or bills.

21 **SECTION 233.** 16.46 (10) of the statutes is created to read:

22 16.46 (10) The determination of the department under s. 13.40 (4).

23 **SECTION 234.** 16.50 (1) (b) of the statutes is amended to read:

24 16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255
25 (2) (ac) ~~and (q)~~, 20.835, and 20.865 (4).

SENATE BILL 55**SECTION 235**

1 **SECTION 235.** 16.50 (3) of the statutes is amended to read:

2 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
3 the legislature or the courts, may increase the pay of any employee, expend money
4 or incur any obligation except in accordance with the estimate that is submitted to
5 the secretary as provided in sub. (1) and approved by the secretary or the governor.
6 No change in the number of full-time equivalent positions authorized through the
7 biennial budget process or other legislative act may be made without the approval
8 of the joint committee on finance, except for position changes made by the governor
9 under s. 16.505 (1) (c) or (2), by the chief information officer under s. 16.505 (2e), by
10 the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n) or by
11 the board of regents of the University of Wisconsin System under s. 16.505 (2m) or
12 (2p). The secretary may withhold, in total or in part, the funding for any position,
13 as defined in s. 230.03 (11), as well as the funding for part-time or limited term
14 employees until such time as the secretary determines that the filling of the position
15 or the expending of funds is consistent with s. 16.505 and with the intent of the
16 legislature as established by law or in budget determinations, or the intent of the
17 joint committee on finance in creating or abolishing positions under s. 13.10, the
18 intent of the governor in creating or abolishing positions under s. 16.505 (1) (c) or (2),
19 the intent of the chief information officer in transferring positions under s. 16.505
20 (2e), or the intent of the board of regents of the University of Wisconsin System in
21 creating or abolishing positions under s. 16.505 (2m) or (2p). Until the release of
22 funding occurs, recruitment or certification for the position may not be undertaken.
23 The secretary shall submit a quarterly report to the joint committee on finance of any
24 position changes made by the governor under s. 16.505 (1) (c) or by the chief
25 information officer under s. 16.505 (2e). No pay increase may be approved unless it

SENATE BILL 55**SECTION 235**

1 is at the rate or within the pay ranges prescribed in the compensation plan or as
2 provided in a collective bargaining agreement under subch. V of ch. 111. At the
3 request of the secretary of employment relations, the secretary of administration
4 may authorize the temporary creation of pool or surplus positions under any source
5 of funds if the secretary of employment relations determines that temporary
6 positions are necessary to maintain adequate staffing levels for high turnover
7 classifications, in anticipation of attrition, to fill positions for which recruitment is
8 difficult. Surplus or pool positions authorized by the secretary shall be reported
9 quarterly to the joint committee on finance in conjunction with the report required
10 under s. 16.54 (8).

11 **SECTION 236.** 16.50 (7) (b) of the statutes is amended to read:

12 16.50 (7) (b) Following such notification, the governor shall submit a bill
13 containing his or her recommendations for correcting the imbalance between
14 projected revenues and authorized expenditures, including a recommendation as to
15 whether moneys should be transferred from the budget stabilization fund to the
16 general fund. If the legislature is not in a floorperiod at the time of the secretary's
17 notification, the governor shall call a special session of the legislature to take up the
18 matter of the projected revenue shortfall and the governor shall submit his or her bill
19 for consideration at that session.

20 **SECTION 237.** 16.501 (1) of the statutes is amended to read:

21 16.501 (1) No funds appropriated under s. 20.143 (1) (bm) or (kn) may be
22 expended until the department of commerce submits to the secretary a report setting
23 forth the amount of private contributions received by Forward Wisconsin, Inc., since
24 the date the department of commerce last submitted a report under this subsection.
25 After receiving the report, the secretary may approve the expenditure of funds up to

SENATE BILL 55**SECTION 237**

1 the amount set forth in the report. Total funds expended in any fiscal year may not
2 exceed the amounts in the schedule under s. 20.143 (1) (bm) and (kn).

3 **SECTION 238.** 16.501 (2) of the statutes is amended to read:

4 16.501 (2) Forward Wisconsin, Inc., shall expend funds appropriated under s.
5 20.143 (1) (bm) and (kn) in adherence with the uniform travel schedule amounts
6 approved under s. 20.916 (8). Forward Wisconsin, Inc., may not expend funds
7 appropriated under s. 20.143 (1) (bm) or (kn) on entertainment, foreign travel,
8 payments to persons not providing goods or services to Forward Wisconsin, Inc., or
9 ~~for~~ any other purposes prohibited by contract between Forward Wisconsin, Inc., and
10 the department.

11 **SECTION 239.** 16.505 (1) (intro.) of the statutes is amended to read:

12 16.505 (1) (intro.) Except as provided in subs. (2), (2e), (2m) ~~and~~, (2n), and (2p),
13 no position, as defined in s. 230.03 (11), regardless of funding source or type, may be
14 created or abolished unless authorized by one of the following:

15 **SECTION 240.** 16.505 (2e) of the statutes is created to read:

16 16.505 (2e) (a) In this subsection, "executive branch agency" has the meaning
17 given in s. 16.70 (4).

18 (b) 1. In addition to the procedure under sub. (2), the chief information officer
19 may, unless otherwise required by state or federal law or unless otherwise required
20 by the federal government as a condition to receipt of aids by this state, transfer any
21 whole or fractional number of authorized full-time equivalent positions having
22 responsibilities related to information technology or telecommunications functions
23 from any executive branch agency to the department of electronic government or
24 another executive branch agency, or may transfer the funding source for any such
25 positions within the appropriations made to an executive branch agency, for the

SENATE BILL 55**SECTION 240**

1 purpose of carrying out the authorized functions of the department of electronic
2 government. The chief information officer may also change the funding source, in
3 whole or in part, for any position transferred to the department of electronic
4 government or another executive branch agency under this paragraph. The chief
5 information officer may also rescind any previous action under this subdivision. If
6 the funding source for any position is changed under this subdivision and the
7 transfer or change in funding sources is rescinded, the funding source for that
8 position reverts to the original funding source. The number of authorized full-time
9 equivalent positions for the department of electronic government or any other
10 executive branch agency from which or to which positions are transferred under this
11 subdivision and the allocation of full-time equivalent positions to the department of
12 electronic government and other executive branch agencies among funding sources
13 is adjusted to reflect the transfer on the date on which the transfer is made.

14 2. On the effective date of any transfer of employees between executive branch
15 agencies under subd 1., any incumbent in a position that is affected by the transfer
16 is transferred to the appropriate executive branch agency required to effect the
17 transfer. Employees transferred under this paragraph have all of the rights and the
18 same status under subch. V of ch. 111 and ch. 230 in the executive branch agency to
19 which they are transferred that they enjoyed in the executive branch agency by
20 which they were employed immediately prior to the transfer. Notwithstanding s.
21 230.28 (4), no employee so transferred who has attained permanent status in class
22 may be required to serve a probationary period in the position to which the employee
23 is transferred.

24 3. Promptly following the completion of each calendar quarter, the chief
25 information officer shall report to the secretary the number of position changes made

SENATE BILL 55**SECTION 240**

1 by the chief information officer during the preceding calendar quarter, itemized for
2 each executive branch agency and funding source and, if applicable, the specific
3 appropriations from which funding for any position was provided or from which
4 funding for any position was deleted.

5 **SECTION 241.** 16.505 (2m) of the statutes is amended to read:

6 16.505 (2m) The board of regents of the University of Wisconsin System may
7 create or abolish a full-time equivalent position or portion thereof from revenues
8 appropriated under s. 20.285 (1) (h), (ip), (ir), (iz), (j), (m), (n), or (u) or (3) (iz) or (n).
9 No later than the last day of the month following completion of each calendar quarter,
10 the board of regents shall report to the department and the cochairpersons of the
11 joint committee on finance concerning the number of full-time equivalent positions
12 created or abolished by the board under this subsection during the preceding
13 calendar quarter and the source of funding for each such position.

14 **SECTION 242.** 16.505 (2p) of the statutes is created to read:

15 16.505 (2p) (a) The board of regents of the University of Wisconsin System may
16 create or abolish a full-time equivalent academic staff or faculty position or portion
17 thereof from revenues appropriated under s. 20.285 (1) (a) if the board of regents
18 submits a request to the department, by December 1 of the previous academic year,
19 containing a clear explanation of how the requested position will be filled and if the
20 department approves the request.

21 (b) The board of regents may not include in any certification to the department
22 under s. 20.928 (1) any sum to pay any costs of a position authorized under this
23 subsection. Notwithstanding s. 16.42 (1), in submitting information under s. 16.42
24 for the biennial budget bill, the board of regents may not include the cost of funding
25 positions requested under this subsection.

SENATE BILL 55**SECTION 243**

1 **SECTION 243.** 16.51 (7) of the statutes is amended to read:

2 **16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND**
3 **JUVENILES IN SECURED CORRECTIONAL FACILITIES.** Receive, examine, determine and
4 audit claims, duly certified and approved by the department of corrections, from the
5 county clerk of any county in behalf of the county, which are presented for payment
6 to reimburse the county for certain expenses incurred or paid by it in reference to all
7 matters growing out of actions and proceedings involving prisoners in state prisons,
8 as defined listed in s. 302.01, or juveniles in secured correctional facilities, as defined
9 in s. 938.02 (15m), including prisoners or juveniles transferred to a mental health
10 institute for observation or treatment, when the proceedings are commenced in
11 counties in which the prisons or secured correctional facilities are located by a
12 district attorney or by the prisoner or juvenile as a postconviction remedy or a matter
13 involving the prisoner's status as a prisoner or the juvenile's status as a resident of
14 a secured correctional facility and for certain expenses incurred or paid by it in
15 reference to holding those juveniles in secure custody while those actions or
16 proceedings are pending. Expenses shall only include the amounts that were
17 necessarily incurred and actually paid and shall be no more than the legitimate cost
18 would be to any other county had the offense or crime occurred therein.

19 **SECTION 244.** 16.517 of the statutes is amended to read:

20 **16.517 Adjustments of program revenue positions and funding levels.**
21 No later than 30 days after the effective date of each biennial budget act, the
22 department shall provide to the joint committee on finance a report indicating any
23 initial modifications that are necessary to the appropriation levels established under
24 that act for program revenue and program revenue-service appropriations as
25 defined in s. 20.001 (2) (b) and (c) or to the number of full-time equivalent positions

SENATE BILL 55**SECTION 244**

1 funded from program revenue and program revenue-service appropriations
2 authorized by that act to account for any additional funding or positions authorized
3 under s. 16.505 (2), ~~(2e)~~, or (2m) or 16.515 in the fiscal year immediately preceding
4 the fiscal biennium of the budget that have not been included in authorizations
5 under the biennial budget act but which should be included as continued budget
6 authorizations in the fiscal biennium of the budget. Such modifications shall be
7 limited to adjustment of the appropriation or position levels to the extent required
8 to account for higher base levels for the fiscal year immediately preceding the fiscal
9 biennium of the budget due to appropriation or position increases authorized under
10 s. 16.505 (2), ~~(2e)~~, or (2m) or 16.515 during the fiscal year immediately preceding the
11 fiscal biennium of the budget. If the cochairpersons of the committee do not notify
12 the secretary that the committee has scheduled a meeting for the purpose of
13 reviewing the proposed modifications within 14 working days after the date of
14 receipt of the department's report, the department may make the modifications
15 specified in the report. If, within 14 working days after the date of the department's
16 report, the cochairpersons of the committee notify the secretary that the committee
17 has scheduled a meeting for the purpose of reviewing the proposed modifications, the
18 department may not make the modifications specified in the report until the
19 committee approves the report.

20 **SECTION 245.** 16.518 of the statutes is created to read:

21 **16.518 Transfers to the budget stabilization fund and the tax relief**
22 **fund.** (1) In this section, "summary" means the amount shown in the summary in
23 s. 20.005 (1), as published in the biennial budget act or acts.

24 (2) Annually, the secretary shall calculate the difference between the amount
25 of moneys projected to be deposited in the general fund during the fiscal year that

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1 are designated as "Taxes" in the summary and the amount of such moneys actually
2 deposited in the general fund during the fiscal year.

3 (3) (a) Subject to par. (b), if the amount of moneys projected to be deposited in
4 the general fund during the fiscal year that are designated as "Taxes" in the
5 summary is less than the amount of such moneys actually deposited in the general
6 fund during the fiscal year, the secretary shall annually transfer from the general
7 fund to the budget stabilization fund 50% of the amount calculated under sub. (2).

8 (b) 1. If the balance of the budget stabilization fund on June 30 of the fiscal year
9 is at least equal to 5% of the estimated expenditures from the general fund during
10 the fiscal year, as reported in the summary, the secretary may not make the transfer
11 under par. (a).

12 2. If the amount transferred under par. (a) would cause the general fund
13 balance on June 30 of the fiscal year to be less than the general fund balance that is
14 required under s. 20.003 (4) for that fiscal year, the secretary shall reduce the amount
15 transferred under par. (a) to the amount that would cause the general fund balance
16 to be equal to the minimum general fund balance that is required under s. 20.003 (4)
17 for that fiscal year.

18 (4) Annually, the secretary shall transfer from the general fund to the tax relief
19 fund the difference between the amount calculated under sub. (2) and the amount
20 transferred to the budget stabilization fund under sub. (3).

21 **SECTION 246.** 16.519 of the statutes is created to read:

22 **16.519 Fund transfers relating to tobacco settlement agreement. (1)**

23 In this section, "tobacco settlement agreement" means the Attorneys General Master
24 Tobacco Settlement Agreement of November 23, 1998.

SENATE BILL 55**SECTION 246**

1 (2) Annually, on June 15, beginning in 2004, the secretary shall transfer from
2 the permanent endowment fund to the general fund an amount equal to the amount
3 calculated by the investment board under s. 25.17 (16).

4 (3) If the state has not received in fiscal year 2001-02 at least \$12,006,400
5 under the tobacco settlement agreement, because the secretary, under s. 16.63, has
6 sold the state's right to receive any of the payments under the tobacco settlement
7 agreement, the secretary shall transfer from the general fund to the tobacco control
8 fund an amount equal to \$12,006,400 less any payments received under the tobacco
9 settlement agreement and deposited in the tobacco control fund in that fiscal year.

10 (4) If the state has not received in fiscal year 2002-03 at least \$21,169,200
11 under the tobacco settlement agreement, because the secretary, under s. 16.63, has
12 sold the state's right to receive any of the payments under the tobacco settlement
13 agreement, the secretary shall transfer from the general fund to the tobacco control
14 fund an amount equal to \$21,169,200 less any payments received under the tobacco
15 settlement agreement and deposited in the tobacco control fund in that fiscal year.

16 **SECTION 247.** 16.52 (intro.) (except 16.52 (title)) of the statutes is repealed.

17 **SECTION 248.** 16.52 (1), (2) and (3) of the statutes are amended to read:

18 16.52 (1) ~~KEEP SEPARATE ACCOUNTS~~ ACCOUNTS OF MONEYS AND FUNDS. ~~Keep~~ The
19 department shall keep in its office separate accounts of the revenues and funds of the
20 state, and of all moneys and funds received or held by the state, and also of all
21 encumbrances, expenditures, disbursements and investments thereof, showing the
22 particulars of every encumbrance, expenditure, disbursement and investment.

23 (2) **REVENUE ACCOUNTS.** ~~Place~~ The department shall place revenue estimates
24 on the books of accounts and credit actual receipts against them as of the last day of
25 each quarter. Except as provided in s. 20.002 (2), any receipts applying to a prior

SENATE BILL 55**SECTION 248**

1 fiscal year received between the day after the date for closing of books specified by
2 the secretary under sub. (5) (a) and the next succeeding such date specified by the
3 secretary shall be credited by the secretary to the fiscal year following the year to
4 which the receipts apply. Except in the case of program revenue and continuing
5 appropriations, any refund of a disbursement to a general purpose revenue
6 appropriation, applicable to any prior fiscal year, received between these dates may
7 not be credited to any appropriation but shall be considered as a nonappropriated
8 receipt. General purpose revenue (GPR) earned, as defined in s. 20.001 (4) is not
9 available for expenditure, whether or not applied to the fiscal year in which received.

10 **(3)** ~~KEEP APPROPRIATION~~ APPROPRIATION ACCOUNTS. ~~Keep~~ The department shall
11 keep separate accounts of all appropriations authorizing expenditures from the state
12 treasury, which accounts shall show the amounts appropriated, the amounts
13 allotted, the amounts encumbered, the amounts expended, the allotments
14 unencumbered and the unallotted balance of each appropriation.

15 **SECTION 249.** 16.52 (7) of the statutes is amended to read:

16 16.52 (7) **PETTY CASH ACCOUNT.** With the approval of the secretary, each agency
17 which is authorized to maintain a contingent fund under s. 20.920 may establish a
18 petty cash account from its contingent fund. The procedure for operation and
19 maintenance of petty cash accounts and the character of expenditures therefrom
20 shall be prescribed by the secretary. In this subsection, "agency" means an office,
21 department, independent agency, institution of higher education, association,
22 society or other body in state government created or authorized to be created by the
23 constitution or any law, which is entitled to expend moneys appropriated by law,
24 including the legislature and the courts, but not including an authority created in
25 ch. 231, 233 ~~or~~, 234, or 237.

SENATE BILL 55**SECTION 250**

1 **SECTION 250.** 16.52 (10) of the statutes is amended to read:

2 16.52 (10) DEPARTMENT OF PUBLIC INSTRUCTION. The provisions of sub. (2) with
3 respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal
4 year shall not apply to the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) and
5 (q).

6 **SECTION 251.** 16.52 (12) of the statutes is amended to read:

7 16.52 (12) DATE FOR INTERFUND TRANSFERS. Whenever it is provided by law for
8 a transfer of moneys to be made from one fund to another fund and no date is specified
9 for the transfer to be made, the department shall determine a date on which the
10 transfer shall be made or provide for partial transfers to be made on different dates,
11 and transfer the moneys in accordance with its determination.

12 **SECTION 252.** 16.52 (13) of the statutes is created to read:

13 16.52 (13) INFORMATION TECHNOLOGY AND ELECTRONIC COMMUNICATIONS
14 TRANSFERS. The department shall execute transfers between appropriation accounts
15 authorized under s. 22.09 (4) upon the direction of the chief information officer.

16 **SECTION 253.** 16.528 (1) (a) of the statutes is amended to read:

17 16.528 (1) (a) "Agency" means an office, department, independent agency,
18 institution of higher education, association, society or other body in state
19 government created or authorized to be created by the constitution or any law, which
20 is entitled to expend moneys appropriated by law, including the legislature and the
21 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

22 **SECTION 254.** 16.53 (2) of the statutes is amended to read:

23 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
24 invoice, the agency shall notify the sender of the invoice within 10 working days after
25 it receives the invoice of the reason it is improperly completed. In this subsection,

SENATE BILL 55**SECTION 254**

1 “agency” means an office, department, independent agency, institution of higher
2 education, association, society or other body in state government created or
3 authorized to be created by the constitution or any law, which is entitled to expend
4 moneys appropriated by law, including the legislature and the courts, but not
5 including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

6 **SECTION 255.** 16.53 (14) of the statutes is created to read:

7 16.53 (14) REVIEW OF PROPOSED INCORPORATIONS AND ANNEXATIONS. The
8 department may prescribe and collect a fee for review of any petition for
9 incorporation of a municipality under s. 66.0203 or any petition for annexation of
10 municipal territory under s. 66.0217. The fee shall be paid by the person or persons
11 filing the petition for incorporation or by the person or persons filing the notice of the
12 proposed annexation.

13 **SECTION 256.** 16.54 (9) (a) 1. of the statutes is amended to read:

14 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
15 institution of higher education, association, society or other body in state
16 government created or authorized to be created by the constitution or any law, which
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

19 **SECTION 257.** 16.54 (13) of the statutes is created to read:

20 16.54 (13) (a) If the state receives any interest payments from the federal
21 government relating to the timing of transfers of federal grant funds for programs
22 that are funded with moneys from the general fund and that are covered in an
23 agreement between the federal department of the treasury and the state under the
24 federal Cash Management Improvement Act of 1990, as amended, the payments,

SENATE BILL 55**SECTION 257**

1 less applicable administrative costs, shall be deposited in the general fund as general
2 purpose revenue — earned.

3 (b) If the state is required to pay any interest payments to the federal
4 government relating to the timing of transfers of federal grant funds for programs
5 that are funded with moneys from the general fund and that are covered in an
6 agreement between the federal department of the treasury and the state under the
7 federal Cash Management Improvement Act of 1990, as amended, the secretary
8 shall notify the cochairpersons of the joint committee on finance, in writing, that the
9 state is required to pay an interest payment. The notice shall contain an accounting
10 of the amount of interest that the state is required to pay.

11 **SECTION 258.** 16.545 (9) of the statutes is amended to read:

12 16.545 (9) ~~To process applications for grants from the federal government upon~~
13 ~~request of any agency~~ initiate contacts with the federal government for the purpose
14 of facilitating participation by agencies, as defined in s. 16.70 (1), in federal aid
15 programs, to assist those agencies in applying for such aid, and to facilitate
16 influencing the federal government to make policy changes that will be beneficial to
17 this state. The department may assess ~~to~~ an agency ~~for whom it processes an~~
18 ~~application to which it provides services~~ under this subsection a fee for the expenses
19 incurred by the department in ~~performing this service~~ providing those services.

20 **SECTION 259.** 16.61 (2) (af) of the statutes is amended to read:

21 16.61 (2) (af) “Form” has the meaning specified in s. ~~16.97~~ 22.01 (5p).

22 **SECTION 260.** 16.61 (3n) of the statutes is amended to read:

23 16.61 (3n) **EXEMPT FORMS.** The board may not receive or investigate complaints
24 about the forms specified in s. ~~16.971~~ 22.03 (2m).

25 **SECTION 261.** 16.61 (7) (d) of the statutes is created to read:

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1 16.61 (7) (d) This subsection does not apply to public records governed by s.
2 137.20.

3 **SECTION 262.** 16.611 (2) (e) of the statutes is created to read:

4 16.611 (2) (e) This subsection does not apply to public records governed by s.
5 137.20.

6 **SECTION 263.** 16.612 (2) (c) of the statutes is created to read:

7 16.612 (2) (c) This subsection does not apply to documents or public records
8 governed by s. 137.20.

9 **SECTION 264.** 16.62 (2) of the statutes is amended to read:

10 16.62 (2) The department may establish user charges for records storage and
11 retrieval services, with any moneys collected to be credited to the appropriation
12 account under s. 20.505 (1) (im) or ~~(kd)~~ (kb). Such charges shall be structured to
13 encourage efficient utilization of the services.

14 **SECTION 265.** 16.62 (3) of the statutes is amended to read:

15 16.62 (3) The department may establish user fees for the services of the public
16 records board. Any moneys collected shall be credited to the appropriation account
17 under s. 20.505 (1) ~~(kd)~~ (kb).

18 **SECTION 266.** 16.63 of the statutes is created to read:

19 **16.63 Sale of state's rights to tobacco settlement agreement payments.**

20 **(1)** In this section:

21 (a) "Purchaser" means any person who has purchased the state's right to
22 receive any of the payments under the tobacco settlement agreement.

23 (b) "Tobacco settlement agreement" means the Attorneys General Master
24 Tobacco Settlement Agreement of November 23, 1998.

SENATE BILL 55**SECTION 266**

1 (c) "Tobacco settlement revenues" means the right to receive settlement
2 payments arising from or pursuant to the tobacco settlement agreement and all
3 direct or indirect proceeds of that right.

4 **(2)** The secretary may sell for cash or other consideration the state's right to
5 receive any of the payments under the tobacco settlement agreement.

6 **(3)** The secretary may organize one or more nonstock corporations under ch.
7 181 or limited liability companies under ch. 183 for any purpose related to the sale
8 of the state's right to receive any of the payments under the tobacco settlement
9 agreement and may take any action necessary to facilitate and complete the sale.

10 **(4)** (a) Tobacco settlement revenues may not be deemed proceeds of any
11 property which is not tobacco settlement revenues.

12 (b) Except as otherwise provided in this subsection, the creation, perfection,
13 and enforcement of security interests in tobacco settlement revenues are governed
14 by ch. 409. Notwithstanding ch. 409, with regard to creating, perfecting, and
15 enforcing a valid security interest in tobacco settlement revenues:

16 1. If this state or the Wisconsin health and educational facilities authority is
17 the debtor in the transaction, the proper place to file the required financing
18 statement to perfect the security interest is the department of financial institutions.

19 2. The required financing statement shall include a description of collateral
20 that describes the collateral as general intangibles consisting of the right to receive
21 settlement payments arising from or pursuant to the tobacco settlement agreement
22 and all proceeds of that right. The required financing statement may include any
23 additional description of collateral that is legally sufficient under the laws of this
24 state.

SENATE BILL 55**SECTION 266**

1 3. The tobacco settlement revenues are general intangibles for purposes of ch.
2 409.

3 4. A security interest perfected under this paragraph is enforceable against the
4 debtor, any assignee or grantee, and all third parties, including creditors under any
5 lien obtained by judicial proceedings, subject only to the rights of any third parties
6 holding security interests in the tobacco settlement revenues previously perfected
7 under this paragraph. Unless the applicable security agreement provides otherwise,
8 a perfected security interest in the tobacco settlement revenues is a continuously
9 perfected security interest in all tobacco settlement revenues existing on the date of
10 the agreement or arising after the date of the agreement. A security interest
11 perfected under this paragraph has priority over any other lien created by operation
12 of law or otherwise, which subsequently attaches to the tobacco settlement revenues.

13 5. The priority of a security interest created under this paragraph is not
14 affected by the commingling of proceeds arising from the tobacco settlement
15 revenues with other amounts.

16 (c) The sale, assignment, and transfer of tobacco settlement revenues are
17 governed by this paragraph. All of the following apply to a sale, assignment, or
18 transfer under this paragraph:

19 1. The sale, assignment, or transfer is an absolute transfer of, and not a pledge
20 of or secured transaction relating to, the seller's right, title, and interest in, to, and
21 under the tobacco settlement revenues, if the documents governing the transaction
22 expressly state that the transaction is a sale or other absolute transfer. After such
23 a transaction, the tobacco settlement revenues are not subject to any claims of the
24 seller or the seller's creditors, other than creditors holding a prior security interest
25 in the tobacco settlement revenues perfected under par. (b).

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1 2. The characterization of the sale, assignment, or transfer as an absolute
2 transfer under subd. 1. and the corresponding characterization of the purchaser's
3 property interest is not affected by any of the following factors:

4 a. Commingling of amounts arising with respect to the tobacco settlement
5 revenues with other amounts.

6 b. The retention by the seller of a partial or residual interest, including an
7 equity interest, in the tobacco settlement revenues, whether direct or indirect, or
8 whether subordinate or otherwise.

9 c. The sale, assignment, or transfer of only a portion of the tobacco settlement
10 revenues or an undivided interest in the tobacco settlement revenues.

11 d. Any recourse that the purchaser or its assignees may have against the seller.

12 e. Whether the seller is responsible for collecting payments due under the
13 tobacco settlement revenues or for otherwise enforcing any of the tobacco settlement
14 revenues or retains legal title to the tobacco settlement revenues for the purpose of
15 these collection activities.

16 f. The treatment of the sale, assignment, or transfer for tax purposes.

17 3. The sale, assignment, or transfer is perfected automatically as against third
18 parties, including any third parties with liens created by operation of law or
19 otherwise, upon attachment under ch. 409.

20 4. Nothing in this subsection precludes consideration of the factors listed in
21 subd. 2. a. to e. in determining whether the sale, assignment, or transfer is a sale for
22 tax purposes. The characterization of the sale, assignment, or transfer as an
23 absolute transfer under subd. 1. may not be considered in determining whether the
24 sale, assignment, or transfer is a sale for tax purposes.

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1 **(5)** If the secretary sells the state's right to receive any of the payments under
2 the tobacco settlement agreement, the state pledges to and agrees with any
3 purchaser or subsequent transferee of the state's right to receive any of the payments
4 under the tobacco settlement agreement that the state will not limit or alter its
5 powers to fulfill the terms of the tobacco settlement agreement, nor will the state in
6 any way impair the rights and remedies provided under the tobacco settlement
7 agreement. The state also pledges to and agrees with any purchaser or subsequent
8 transferee of the state's right to receive any of the payments under the tobacco
9 settlement agreement that the state will pay all costs and expenses in connection
10 with any action or proceeding brought by or on behalf of the purchaser or any
11 subsequent transferee related to the state's not fulfilling the terms of the tobacco
12 settlement agreement. The secretary may include this pledge and agreement of the
13 state in any contract that is entered into by the secretary under this section.

14 **(6)** If the secretary sells the state's right to receive any of the payments under
15 the tobacco settlement agreement, the state pledges to and agrees with any
16 purchaser or subsequent transferee of the state's right to receive any of the payments
17 under the tobacco settlement agreement that the state will not limit or alter the
18 powers of the secretary under this section until any contract that is entered into
19 under this section is fully performed, unless adequate provision is made by law for
20 the protection of the rights and remedies of the purchaser or any subsequent
21 transferee under the contract. The secretary may include this pledge and agreement
22 of the state in any contract that is entered into by the secretary under this section.

23 **(7)** The secretary may enter into a contract with any firm or individual engaged
24 in providing financial services for the performance of any of his or her functions

SENATE BILL 55**SECTION 266**

1 under this section, using selection and procurement procedures established by the
2 secretary. That contract is not subject to s. 16.705 or 16.75.

3 (8) This subsection and subs. (8m) and (9) shall govern all civil claims, suits,
4 proceedings, and actions brought against the state relating to the sale of the state's
5 right to receive any of the payments under the tobacco settlement agreement. If the
6 state fails to comply with this section or the terms of any agreement relating to the
7 sale of the state's right to receive any of the payments under the tobacco settlement
8 agreement, an action to compel compliance may be commenced against the state.

9 (8m) If the recovery of a money judgment against the state is necessary to give
10 the plaintiff in an action under sub. (8) complete relief, a claim for the money
11 damages may be joined with the claim commenced under sub. (8).

12 (9) Sections 16.007, 16.53, and 775.01 do not apply to claims against the state
13 under sub. (8) or (8m). If there is a final judgment against the state in such an action,
14 the judgment shall be paid as provided in s. 775.04 together with interest at the rate
15 of 10% per year from the date such payment was judged to have been due until the
16 date of payment of the judgment.

17 **SECTION 267.** 16.70 (2) of the statutes is amended to read:

18 16.70 (2) "Authority" means a body created under ch. 231, 232, 233 ~~or~~ 234, or
19 237.

20 **SECTION 268.** 16.70 (4m) of the statutes is created to read:

21 16.70 (4m) "Information technology" has the meaning given in s. 22.01 (6).

22 **SECTION 269.** 16.70 (15) of the statutes is created to read:

23 16.70 (15) "Telecommunications" has the meaning given in s. 22.01 (10).

24 **SECTION 270.** 16.701 of the statutes is renumbered 16.701 (1).

25 **SECTION 271.** 16.701 (2) of the statutes is created to read:

SENATE BILL 55**SECTION 271**

1 16.701 (2) The department may permit prospective vendors to provide product
2 or service information through the service established under sub. (1). The
3 department may prescribe fees or establish fees through a competitive process for the
4 use of the service under this subsection.

5 **SECTION 272.** 16.7015 of the statutes is amended to read:

6 **16.7015 Bidders list.** The department ~~or any agency to which the department~~
7 ~~delegates purchasing authority under s. 16.71 (1) may maintain a bidders list which.~~
8 Any agency to which the department delegates purchasing authority under s. 16.71
9 (1) may maintain a bidders list if authorized by the delegation. The bidders list shall
10 include the names and addresses of all persons who request to be notified of bids or
11 competitive sealed proposals, excluding those to be awarded under s. 16.75 (1) (c) or
12 (2m) (c), that are solicited by the department or other agency for the procurement of
13 materials, supplies, equipment or contractual services under this subchapter. Any
14 list maintained by the department may include the names and addresses of any
15 person who requests to be notified of bids or competitive sealed proposals ~~to be~~ that
16 are solicited by any agency. The department or other agency shall notify each person
17 on its list of all ~~requests for bids or competitive sealed proposals~~ that are solicited by
18 the department or other agency. The department or other agency may remove any
19 person from its list for cause.

20 **SECTION 273.** 16.71 (1) of the statutes is amended to read:

21 16.71 (1) Except as otherwise required under this section and s. 16.78 or as
22 authorized in s. 16.74, the department shall purchase and may delegate to special
23 designated agents the authority to purchase all necessary materials, supplies,
24 equipment, all other permanent personal property and miscellaneous capital, and
25 contractual services and all other expense of a consumable nature for all agencies.

SENATE BILL 55**SECTION 273**

1 In making any delegation, the department shall require the agent to adhere to all
2 requirements imposed upon the department in making purchases under this
3 subchapter. All materials, services and other things and expense furnished to any
4 agency and interest paid under s. 16.528 shall be charged to the proper appropriation
5 of the agency to which furnished.

6 **SECTION 274.** 16.71 (1m) of the statutes is created to read:

7 16.71 (1m) The department shall not delegate to any executive branch agency
8 the authority to enter into any contract for materials, supplies, equipment, or
9 contractual services relating to information technology or telecommunications prior
10 to review and approval of the contract by the chief information officer. No executive
11 branch agency may enter into any such contract without review and approval of the
12 contract by the chief information officer.

13 **SECTION 275.** 16.71 (2m) of the statutes is created to read:

14 16.71 (2m) The department of administration shall delegate authority to make
15 all purchases for the department of electronic government to the department of
16 electronic government. This delegation may not be withdrawn, but the department
17 of electronic government may elect to make any purchase through the department
18 of administration.

19 **SECTION 276.** 16.71 (4) of the statutes is amended to read:

20 16.71 (4) ~~The~~ With the approval of the department of electronic government,
21 the department of administration shall delegate authority to the technology for
22 educational achievement in Wisconsin board to make purchases of educational
23 technology equipment for use by school districts, cooperative educational service
24 agencies and public educational institutions in this state, upon request of the board.

25 **SECTION 277.** 16.71 (6) of the statutes is created to read:

SENATE BILL 55**SECTION 277**

1 16.71 (6) The department may assess any agency or municipality to which it
2 provides services under this subchapter for the cost of the services provided to the
3 agency or municipality. The department may also identify savings that the
4 department determines to have been realized by an agency to which it provides
5 services under this subchapter and may assess the agency for not more than the
6 amount of the savings identified by the department.

7 **SECTION 278.** 16.72 (2) (a) of the statutes is amended to read:

8 16.72 (2) (a) The department of administration shall prepare standard
9 specifications, as far as possible, for all state purchases. By “standard specifications”
10 is meant a specification, either chemical or physical or both, prepared to describe in
11 detail the article which the state desires to purchase, and trade names shall not be
12 used. On the formulation, adoption and modification of any standard specifications,
13 the department of administration shall also seek and be accorded without cost, the
14 assistance, advice and cooperation of other agencies and officers. Each specification
15 adopted for any commodity shall, insofar as possible, satisfy the requirements of any
16 and all agencies which use it in common. Any specifications for the purchase of
17 materials, supplies, equipment, or contractual services for information technology
18 or telecommunications purposes are subject to the approval of the chief information
19 officer.

20 **SECTION 279.** 16.72 (2) (b) of the statutes is amended to read:

21 16.72 (2) (b) Except as provided in par. (a) and ss. 16.25 (4) (b), 16.751 and
22 565.25 (2) (a) 4., the department shall prepare or review specifications for all
23 materials, supplies, equipment, other permanent personal property and contractual
24 services not purchased under standard specifications. Such “nonstandard
25 specifications” may be generic or performance specifications, or both, prepared to

SENATE BILL 55**SECTION 279**

1 describe in detail the article which the state desires to purchase either by its physical
2 properties or programmatic utility. When appropriate for such nonstandard items
3 or services, trade names may be used to identify what the state requires, but
4 wherever possible 2 or more trade names shall be designated and the trade name of
5 any Wisconsin producer, distributor or supplier shall appear first.

6 **SECTION 280.** 16.72 (2) (d) of the statutes is amended to read:

7 16.72 (2) (d) Except as permitted in s. ss. 16.75 (6) (am) and 16.751, to the extent
8 possible, the department and any other designated purchasing agent under s. 16.71
9 (1) shall write specifications for the purchase of materials, supplies, commodities,
10 equipment and contractual services so as to permit their purchase from prison
11 industries, as created under s. 303.01 (1).

12 **SECTION 281.** 16.72 (4) (a) of the statutes is amended to read:

13 16.72 (4) (a) Except as provided in s. ss. 16.71 and 16.74 or as otherwise
14 provided in this subchapter and the rules promulgated under s. 16.74 and this
15 subchapter, all supplies, materials, equipment and contractual services shall be
16 purchased for and furnished to any agency only upon requisition to the department.
17 The department shall prescribe the form, contents, number and disposition of
18 requisitions and shall promulgate rules as to time and manner of submitting such
19 requisitions for processing. No agency or officer may engage any person to perform
20 contractual services without the specific prior approval of the department for each
21 such engagement. Purchases of supplies, materials, equipment or contractual
22 services by the department of electronic government, the legislature, the courts or
23 legislative service or judicial branch agencies do not require approval under this
24 paragraph.

25 **SECTION 282.** 16.72 (8) of the statutes is amended to read:

SENATE BILL 55**SECTION 282**

1 16.72 (8) ~~The division of information technology services of the department~~
2 may purchase educational technology materials, supplies, equipment or contractual
3 services from orders placed with the department by the technology for educational
4 achievement in Wisconsin board on behalf of school districts, cooperative educational
5 service agencies, technical college districts and the board of regents of the University
6 of Wisconsin System.

7 **SECTION 283.** 16.735 of the statutes is created to read:

8 **16.735 Multistate purchasing of prescription drugs.** (1) In this section,
9 “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is
10 included in the drugs specified under s. 49.46 (2) (b) 6. h.

11 (2) The department and the department of health and family services shall
12 together work to develop, in conjunction with states other than this state and with
13 associations, a multistate purchasing group for the direct negotiation with
14 prescription drug manufacturers of rebates that are, in part, modeled on the rebate
15 agreement specified under 42 USC 1396r-8 and that result, on average, in larger
16 rebate amounts than those achievable under the rebate agreement specified under
17 42 USC 1396r-8.

18 **SECTION 284.** 16.736 of the statutes is created to read:

19 **16.736 Prescription drug discount program.** (1) In this section,
20 “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is
21 included in the drugs specified under s. 49.46 (2) (b) 6. h.

22 (2) The department of administration shall contract with a private entity to
23 administer a discount program for purchase of prescription drugs by persons of any
24 age or income who pay to the entity nominal fees. Requirements of ss. 16.75 (3t) (c)
25 and 16.752 (12) (a) do not apply to this subsection.

SENATE BILL 55**SECTION 285**

1 **SECTION 285.** 16.75 (1) (a) 1. of the statutes is amended to read:

2 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
3 materials, supplies, equipment, and contractual services to be provided to any
4 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
5 (6), (7), (8), and (9) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), and
6 287.15 (7) and ~~301.265~~, shall be awarded to the lowest responsible bidder, taking into
7 consideration life cycle cost estimates under sub. (1m), when appropriate, the
8 location of the agency, the quantities of the articles to be supplied, their conformity
9 with the specifications, and the purposes for which they are required and the date
10 of delivery.

11 **SECTION 286.** 16.75 (1) (a) 3. of the statutes is amended to read:

12 16.75 (1) (a) 3. Bids may be received only in accordance with such specifications
13 as are adopted by the department as provided in this subsection. Any or all bids may
14 be rejected. ~~Each~~ Whenever sealed bids are invited, each bid, with the name of the
15 bidder, shall be entered on a record, and each record with the successful bid indicated
16 shall, after the award or letting of the contract, be opened to public inspection. Where
17 a low bid is rejected, a complete written record shall be compiled and filed, giving the
18 reason in full for such action. Any waiver of sealed, advertised bids as provided in
19 sub. (2m) or (6) shall be entered on a record kept by the department and open to public
20 inspection.

21 **SECTION 287.** 16.75 (1) (b) of the statutes is amended to read:

22 16.75 (1) (b) When the estimated cost exceeds \$25,000, the department shall
23 invite bids to be submitted. The department shall either solicit sealed bids to be
24 opened publicly at a specified date and time, or shall solicit bidding by auction to be
25 conducted electronically at a specified date and time. Whenever bids are invited, due

SENATE BILL 55**SECTION 287**

1 notice inviting bids shall be published as a class 2 notice, under ch. 985, and the bids
2 or posted on the Internet at a site determined or approved by the department. The
3 bid opening or auction shall not be opened until occur at least 7 days from after the
4 date of the last day of publication insertion of the notice or at least 7 days after the
5 date of posting on the Internet. The official advertisement notice shall specify
6 whether sealed bids are invited or bids will be accepted by auction, and shall give a
7 clear description of the materials, supplies, equipment, or service contractual
8 services to be purchased, the amount of the any bond, share draft, check, or other
9 draft to be submitted as surety with the bid or prior to the auction, and the date of
10 and time that the public opening or the auction will be held.

11 **SECTION 288.** 16.75 (1) (cm) of the statutes is created to read:

12 16.75 (1) (cm) If bids are solicited by auction, the award may be made in
13 accordance with simplified competitive procedures established by the department
14 for such transactions.

15 **SECTION 289.** 16.75 (2) (a) of the statutes is amended to read:

16 16.75 (2) (a) When the department of administration believes that it is to the
17 best interests of the state to purchase certain patented or proprietary articles, other
18 than printing and stationery, it may purchase said articles without the usual
19 statutory procedure. ~~All~~ but all equipment shall be purchased from the lowest and
20 best bidder as determined by the bids and a comparison of the any detailed
21 specifications submitted with the bids, and after due advertisement as hereinbefore
22 provided notice, whenever notice is required under this section. Where the low bid
23 or bids are rejected, a complete written record shall be compiled and filed, giving the
24 reasons in full for such action.

25 **SECTION 290.** 16.75 (2m) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 290**

1 16.75 (2m) (b) When the estimated cost exceeds \$25,000, the department shall
2 ~~publish a class 2 notice under ch. ch 985 inviting~~ may invite competitive sealed
3 proposals ~~by publishing a class 2 notice under ch. 985 or by posting notice on the~~
4 Internet at a site determined or approved by the department. The advertisement
5 notice shall describe the materials, supplies, equipment, or service contractual
6 services to be purchased, the intent to ~~solicit~~ make the procurement by solicitation
7 of proposals rather than by solicitation of bids, any requirement for surety and the
8 date the proposals will be opened, which shall be at least 7 days after the date of the
9 last insertion of the notice or at least 7 days after the date of posting on the Internet.

10 **SECTION 291.** 16.75 (3t) (a) of the statutes is amended to read:

11 16.75 (3t) (a) In this subsection, “form” has the meaning given under s. 16.97
12 22.01 (5p).

13 **SECTION 292.** 16.75 (3t) (c) (intro.) of the statutes is amended to read:

14 16.75 (3t) (c) (intro.) The department of corrections shall periodically provide
15 to the department of administration a current list of all materials, supplies,
16 equipment or contractual services, excluding commodities, that are supplied by
17 prison industries, as created under s. 303.01. The department of administration
18 shall distribute the list to all designated purchasing agents under s. 16.71 (1). Prior
19 Except as otherwise provided in sub. (6) (am), prior to seeking bids or competitive
20 sealed proposals with respect to the purchase of any materials, supplies, equipment
21 or contractual services enumerated in the list, the department of administration or
22 any other designated purchasing agent under s. 16.71 (1) shall offer prison industries
23 the opportunity to supply the materials, supplies, equipment or contractual services
24 if the department of corrections is able to provide them at a price comparable to one
25 which may be obtained through competitive bidding or competitive sealed proposals

SENATE BILL 55**SECTION 292**

1 and is able to conform to the specifications, provided the specifications are written
2 in accordance with s. 16.72 (2) (d). If the department of administration or other
3 purchasing agent is unable to determine whether the price of prison industries is
4 comparable, it may solicit bids or competitive proposals before awarding the order
5 or contract. This paragraph does not apply to the printing of the following forms:

6 **SECTION 293.** 16.75 (6) (am) 1. of the statutes is repealed.

7 **SECTION 294.** 16.75 (6) (am) 2. of the statutes is renumbered 16.75 (6) (am) and
8 amended to read:

9 16.75 (6) (am) Subsections (1) and (3t) do not apply to major procurements by
10 the department of electronic government. Annually not later than October 1, the
11 department of electronic government shall report to the department of
12 administration, in the form specified by the secretary, concerning all procurements
13 by the department of electronic government during the preceding fiscal year that
14 were not made in accordance with the requirements of subs. (1) and (3t).

15 **SECTION 295.** 16.75 (6) (c) of the statutes is amended to read:

16 16.75 (6) (c) If the secretary determines that it is in the best interest of this state
17 to do so, he or she may, with the approval of the governor, waive the requirements
18 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual
19 services, other than printing and stationery, from a private source other than a
20 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the
21 purchase is expected to exceed \$25,000, the department shall first publish a class 2
22 notice under ch. 985 or post a notice on the Internet at the site determined or
23 approved by the department under sub. (1) (b) describing the materials, supplies,
24 equipment, or contractual services to be purchased, stating the intent to make the
25 purchase from a private source without soliciting bids or competitive sealed

SENATE BILL 55**SECTION 295**

1 proposals and stating the date on which the contract or purchase order will be
2 awarded. The date of the award shall be at least 7 days after the date of the last
3 insertion or the date of posting on the Internet.

4 **SECTION 296.** 16.751 (1) of the statutes is repealed.

5 **SECTION 297.** 16.751 (2) of the statutes is renumbered 16.751 and amended to
6 read:

7 **16.751 Information technology purchases by investment board.** The
8 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply
9 to procurements authorized to be made by the investment board under s. 16.78 (1)
10 for information technology purposes.

11 **SECTION 298.** 16.752 (12) (i) of the statutes is amended to read:

12 16.752 (12) (i) Paragraph (a) does not apply to ~~major procurements, as defined~~
13 ~~in s. 16.75 (6) (am)~~ by the department of electronic government.

14 **SECTION 299.** 16.765 (1) of the statutes is amended to read:

15 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
16 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
17 Center Sports and Entertainment Corporation shall include in all contracts executed
18 by them a provision obligating the contractor not to discriminate against any
19 employee or applicant for employment because of age, race, religion, color, handicap,
20 sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual
21 orientation as defined in s. 111.32 (13m) or national origin and, except with respect
22 to sexual orientation, obligating the contractor to take affirmative action to ensure
23 equal employment opportunities.

24 **SECTION 300.** 16.765 (2) of the statutes is amended to read:

SENATE BILL 55**SECTION 300**

1 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
2 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
3 Center Sports and Entertainment Corporation shall include the following provision
4 in every contract executed by them: “In connection with the performance of work
5 under this contract, the contractor agrees not to discriminate against any employee
6 or applicant for employment because of age, race, religion, color, handicap, sex,
7 physical condition, developmental disability as defined in s. 51.01 (5), sexual
8 orientation or national origin. This provision shall include, but not be limited to, the
9 following: employment, upgrading, demotion or transfer; recruitment or recruitment
10 advertising; layoff or termination; rates of pay or other forms of compensation; and
11 selection for training, including apprenticeship. Except with respect to sexual
12 orientation, the contractor further agrees to take affirmative action to ensure equal
13 employment opportunities. The contractor agrees to post in conspicuous places,
14 available for employees and applicants for employment, notices to be provided by the
15 contracting officer setting forth the provisions of the nondiscrimination clause”.

16 **SECTION 301.** 16.765 (4) of the statutes is amended to read:

17 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
18 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
19 Center Sports and Entertainment Corporation shall take appropriate action to
20 revise the standard government contract forms under this section.

21 **SECTION 302.** 16.765 (5) of the statutes is amended to read:

22 16.765 (5) The head of each contracting agency and the boards of directors of
23 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
24 Navigational System Authority, and the Bradley Center Sports and Entertainment
25 Corporation shall be primarily responsible for obtaining compliance by any

SENATE BILL 55**SECTION 302**

1 contractor with the nondiscrimination and affirmative action provisions prescribed
2 by this section, according to procedures recommended by the department. The
3 department shall make recommendations to the contracting agencies and the boards
4 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
5 River Navigational System Authority, and the Bradley Center Sports and
6 Entertainment Corporation for improving and making more effective the
7 nondiscrimination and affirmative action provisions of contracts. The department
8 shall promulgate such rules as may be necessary for the performance of its functions
9 under this section.

10 **SECTION 303.** 16.765 (6) of the statutes is amended to read:

11 16.765 (6) The department may receive complaints of alleged violations of the
12 nondiscrimination provisions of such contracts. The department shall investigate
13 and determine whether a violation of this section has occurred. The department may
14 delegate this authority to the contracting agency, the University of Wisconsin
15 Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the
16 Bradley Center Sports and Entertainment Corporation for processing in accordance
17 with the department's procedures.

18 **SECTION 304.** 16.765 (7) (intro.) of the statutes is amended to read:

19 16.765 (7) (intro.) When a violation of this section has been determined by the
20 department, the contracting agency, the University of Wisconsin Hospitals and
21 Clinics Authority, the Fox River Navigational System Authority, or the Bradley
22 Center Sports and Entertainment Corporation, the contracting agency, the
23 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational
24 System Authority, or the Bradley Center Sports and Entertainment Corporation
25 shall:

SENATE BILL 55**SECTION 305**

1 **SECTION 305.** 16.765 (7) (d) of the statutes is amended to read:

2 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
3 further violations of this section and to report its corrective action to the contracting
4 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
5 Navigational System Authority, or the Bradley center sports and entertainment
6 corporation.

7 **SECTION 306.** 16.765 (8) of the statutes is amended to read:

8 16.765 (8) If further violations of this section are committed during the term
9 of the contract, the contracting agency, the Fox River Navigational System Authority,
10 or the Bradley Center Sports and Entertainment Corporation may permit the
11 violating party to complete the contract, after complying with this section, but
12 thereafter the contracting agency, the Fox River Navigational System Authority, or
13 the Bradley Center Sports and Entertainment Corporation shall request the
14 department to place the name of the party on the ineligible list for state contracts,
15 or the contracting agency, the Fox River Navigational System Authority, or the
16 Bradley Center Sports and Entertainment Corporation may terminate the contract
17 without liability for the uncompleted portion or any materials or services purchased
18 or paid for by the contracting party for use in completing the contract.

19 **SECTION 307.** 16.78 of the statutes is amended to read:

20 **16.78 Purchases from ~~division of information technology services~~**
21 **department of electronic government.** (1) Every executive branch agency ~~other~~
22 ~~than the board of regents of the University of Wisconsin system and an agency~~
23 ~~making purchases under s. 16.74 shall purchase all computer~~ make all purchases of
24 materials, supplies, equipment, and contractual services relating to information
25 technology or telecommunications from the ~~division of information technology~~

SENATE BILL 55**SECTION 307**

1 ~~services in the department of administration~~ electronic government, unless the
2 ~~division~~ department of electronic government requires the agency to purchase the
3 materials, supplies, equipment, or contractual services pursuant to a master
4 contract established under s. 22.05 (2) (h), or grants written authorization to the
5 agency to procure the materials, supplies, equipment, or contractual services under
6 s. 16.75 (1) or (2m), to purchase the materials, supplies, equipment, or contractual
7 services from another agency or to provide the materials, supplies, equipment, or
8 contractual services to itself. ~~The board of regents of the University of Wisconsin~~
9 ~~System may purchase computer services from the division of information technology~~
10 ~~services.~~

11 (2) Sections 16.705 to 16.767 and 16.77 (1) do not apply to the purchase of
12 ~~computer~~ materials, supplies, equipment, or contractual services by any agency from
13 ~~the division of information technology services~~ department of electronic government
14 under sub. (1).

15 **SECTION 308.** 16.80 of the statutes is renumbered 22.19.

16 **SECTION 309.** 16.836 of the statutes is repealed.

17 **SECTION 310.** 16.838 (1) (b) of the statutes is amended to read:

18 16.838 (1) (b) "Authority" means a body created under ch. 231, 232, 233, 234,
19 or ~~235~~ 237.

20 **SECTION 311.** 16.84 (14) of the statutes is amended to read:

21 16.84 (14) Provide interagency mail delivery service for agencies, as defined
22 in s. 16.70 (1). The department may charge agencies for this service. Any moneys
23 collected shall be credited to the appropriation account under s. 20.505 (1) (~~kd~~) (kb).

24 **SECTION 312.** 16.845 (1) of the statutes is amended to read:

SENATE BILL 55**SECTION 312**

1 16.845 (1) RULE; PENALTY. Except as elsewhere expressly prohibited, the
2 managing authority of any facility owned by the state or by the University of
3 Wisconsin Hospitals and Clinics Authority or leased from the state by the Fox River
4 Navigational System Authority may permit its use for free discussion of public
5 questions, or for civic, social, recreational or athletic activities. No such use shall be
6 permitted if it would unduly burden the managing authority or interfere with the
7 prime use of such facility. The applicant for use shall be liable to the state ~~or, to the~~
8 Fox River Navigational System Authority, or to the University of Wisconsin
9 Hospitals and Clinics Authority for any injury done to its property, for any expense
10 arising out of any such use and for such sum as the managing authority may charge
11 for such use. All such sums payable to the state shall be paid into the general fund
12 and credited to the appropriation account for the operation of the facility used. The
13 managing authority may permit such use notwithstanding the fact that a reasonable
14 admission fee may be charged to the public. Whoever does or attempts to do an act
15 for which a permit is required under this section without first obtaining the permit
16 may be fined not more than \$100 or imprisoned not more than 30 days or both. This
17 subsection applies only to those facilities for which a procedure for obtaining a permit
18 has been established by the managing authority.

19 **SECTION 313.** 16.847 (1) (a) of the statutes is repealed.

20 **SECTION 314.** 16.847 (2) to (7) of the statutes are repealed.

21 **SECTION 315.** 16.847 (8) (a) of the statutes is renumbered 16.847 (8) and
22 amended to read:

23 16.847 (8) REPAYMENT AGREEMENTS. ~~As a condition of receiving a loan under sub.~~
24 ~~(6), an agency shall enter into an agreement to repay the loan from utility expenses~~
25 ~~saved by the energy efficiency project. The agreement shall specify the annual~~

SENATE BILL 55**SECTION 315**

1 ~~repayment amount and the appropriation to which the loan shall be repaid.~~
2 ~~Annually, the The department may annually transfer the specified repayment~~
3 ~~amount from an appropriation described in the agreement to the same account in~~
4 ~~repayments under agreements to obtain loans from the energy efficiency fund ~~from~~~~
5 ~~which the loan was made under s. 16.847 (6), 1999 stats., from the appropriations~~
6 ~~specified in the agreements to the general fund. The amount of each annual~~
7 ~~repayment shall equal the amount of annual savings in utility expenses realized as~~
8 ~~a result of the energy efficiency project that was funded by a loan. The department~~
9 ~~shall determine the amount of annual savings in utility expenses saved realized as~~
10 ~~a result of an energy efficiency project.~~

11 **SECTION 316.** 16.847 (8) (b) of the statutes is repealed.

12 **SECTION 317.** 16.847 (9) of the statutes is repealed.

13 **SECTION 318.** 16.85 (1) of the statutes is amended to read:

14 16.85 (1) To take charge of and supervise all engineering or architectural
15 services or construction work as defined in s. 16.87 performed by, or for, the state, or
16 any department, board, institution, commission or officer thereof, including
17 nonprofit-sharing corporations organized for the purpose of assisting the state in the
18 construction and acquisition of new buildings or improvements and additions to
19 existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the
20 engineering, architectural and construction work of the department of
21 transportation, the engineering service performed by the department of commerce,
22 department of revenue, public service commission, department of health and family
23 services and other departments, boards and commissions when the service is not
24 related to the maintenance, and construction and planning of the physical properties
25 of the state, ~~and energy efficiency projects of the energy efficiency program under s.~~

SENATE BILL 55**SECTION 318**

1 16.847. The department shall adopt the architectural and engineering design
2 proposed by the state fair park board for any project to be constructed for the board,
3 if the design and specifications conform to applicable laws, rules, codes and
4 regulations. The department shall not authorize construction work for any state
5 office facility in the city of Madison after May 11, 1990, unless the department first
6 provides suitable space for a day care center primarily for use by children of state
7 employees.

8 **SECTION 319.** 16.85 (2) of the statutes is amended to read:

9 16.85 (2) To furnish engineering, architectural, project management and other
10 building construction services whenever requisitions therefor are presented to the
11 department by any agency. The department may deposit moneys received from the
12 provision of these services in the account under s. 20.505 (1) (kc) or in the general
13 fund as general purpose revenue — earned. In this subsection, “agency” means an
14 office, department, independent agency, institution of higher education, association,
15 society or other body in state government created or authorized to be created by the
16 constitution or any law, which is entitled to expend moneys appropriated by law,
17 including the legislature and the courts, but not including an authority created in
18 ch. 231, 233 ~~or~~, 234, or 237.

19 **SECTION 320.** 16.85 (15) of the statutes is amended to read:

20 16.85 (15) Provide or contract for the provision of professional engineering,
21 architectural, project management and other building construction services on
22 behalf of school districts for the installation or maintenance of electrical and
23 computer network wiring. The department shall assess fees for services provided
24 under this subsection ~~and shall credit all revenues received to the appropriation~~
25 ~~account under s. 20.505 (1) (im).~~

SENATE BILL 55**SECTION 321**

1 **SECTION 321.** 16.85 (16) of the statutes is created to read:

2 **16.85 (16)** To review and approve the design and specifications of any
3 rehabilitation or repair project of the Fox River Navigational System Authority on
4 state-owned land, to approve the decision to proceed with the project, and to
5 periodically review the progress of the project during construction to assure
6 compliance with the approved design and specifications.

7 **SECTION 322.** 16.865 (8) of the statutes is amended to read:

8 **16.865 (8)** Annually in each fiscal year, allocate as a charge to each agency a
9 proportionate share of the estimated costs attributable to programs administered by
10 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
11 may charge premiums to agencies to finance costs under this subsection and pay the
12 costs from the appropriation on an actual basis. The department shall deposit all
13 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
14 Costs assessed under this subsection may include judgments, investigative and
15 adjustment fees, data processing and staff support costs, program administration
16 costs, litigation costs and the cost of insurance contracts under sub. (5). In this
17 subsection, "agency" means an office, department, independent agency, institution
18 of higher education, association, society or other body in state government created
19 or authorized to be created by the constitution or any law, which is entitled to expend
20 moneys appropriated by law, including the legislature and the courts, but not
21 including an authority created in ch. 231, 232, 233, 234, or ~~235~~ 237.

22 **SECTION 323.** 16.956 of the statutes is created to read:

23 **16.956 Stray voltage and electrical wiring assistance. (1)** From the
24 appropriation under s. 20.505 (1) (q), the department shall award grants to operators
25 of dairy, beef, or swine farms for the purpose of eliminating potential stray voltage

SENATE BILL 55**SECTION 323**

1 concerns and sources and replacing electrical wiring. A farm operator is not eligible
2 to receive a grant under this subsection unless the public utility that provides electric
3 service to the farm has conducted tests to determine the sources of stray voltage on
4 the farm.

5 (2) The department shall promulgate rules establishing criteria and
6 procedures for awarding grants under sub. (1), including procedures for assuring
7 that any work is completed in accordance with acceptable practices.

8 **SECTION 324.** 16.957 (2) (a) (intro.) of the statutes is amended to read:

9 16.957 (2) (a) *Low-income programs.* (intro.) After holding a hearing,
10 establish programs to be administered by the department for awarding grants from
11 the appropriation under s. 20.505 ~~(10)~~ (3) (r) to provide low-income assistance. In
12 each fiscal year, the amount awarded under this paragraph shall be sufficient to
13 ensure that an amount equal to 47% of the sum of the following is spent for
14 weatherization and other energy conservation services:

15 **SECTION 325.** 16.957 (2) (b) 1. of the statutes is amended to read:

16 16.957 (2) (b) 1. Subject to subd. 2., after holding a hearing, establish programs
17 for awarding grants from the appropriation under s. 20.505 ~~(10)~~ (3) (s) for each of the
18 following:

19 a. Proposals for providing energy conservation or efficiency services. In
20 awarding grants under this subd. 1. a., the department shall give priority to
21 proposals directed at the sectors of energy conservation or efficiency markets that
22 are least competitive and at promoting environmental protection, electric system
23 reliability, or rural economic development. In each fiscal year, 1.75% of the
24 appropriation under s. 20.505 ~~(10)~~ (3) (s) shall be awarded in grants for research and
25 development proposals regarding the environmental impacts of the electric industry.

SENATE BILL 55**SECTION 325**

1 b. Proposals for encouraging the development or use of customer applications
2 of renewable resources, including educating customers or members about renewable
3 resources or encouraging uses of renewable resources by customers or members or
4 encouraging research technology transfers. In each fiscal year, the department shall
5 ensure that 4.5% of the appropriation under s. 20.505 ~~(10)~~ (3) (s) is awarded in grants
6 under this subd. 1. b.

7 **SECTION 326.** 16.963 of the statutes is created to read:

8 **16.963 Education evaluation and accountability. (1) DEFINITION.** In this
9 section, “board” means the board on education evaluation and accountability.

10 **(2) DUTIES.** The board shall do all of the following:

11 (a) Appoint an executive director outside the classified service to serve at its
12 pleasure.

13 (b) Administer the pupil assessment program under s. 118.30 and develop a
14 standardized reading test for use under s. 121.02 (1) (r).

15 (c) Arrange for an evaluation of the student achievement guarantee program
16 under s. 118.43 (7).

17 (d) Administer the school performance and educational program review
18 program under s. 115.38.

19 **(3) POWERS.** The board may conduct a longitudinal study of the Milwaukee
20 parental choice program under s. 119.23 if the board receives sufficient funds from
21 private sources to do so. If the board conducts a study, it shall report the results to
22 the legislature under s. 13.172 (2) and to the governor.

23 **SECTION 327.** 16.964 (1) of the statutes is renumbered 16.964 (1g).

24 **SECTION 328.** 16.964 (2) of the statutes is amended to read:

SENATE BILL 55**SECTION 328**

1 16.964 (2) All persons in charge of law enforcement agencies and other criminal
2 and juvenile justice system agencies shall supply the office with the information
3 described in sub. ~~(1)~~ (1g) (g) on the basis of the forms or instructions or both to be
4 supplied by the office under sub. ~~(1)~~ (1g) (g).

5 **SECTION 329.** 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
6 amended to read:

7 16.964 (1d) In this subsection section, “tribe” means a federally recognized
8 American Indian tribe or band in this state.

9 **SECTION 330.** 16.964 (6) (b) of the statutes is amended to read:

10 16.964 (6) (b) From the appropriation under s. 20.505 (6) ~~(ks)~~ (kq), the office
11 shall provide grants to tribes to fund tribal law enforcement operations. To be
12 eligible for a grant under this subsection, a tribe must submit an application for a
13 grant to the office that includes a proposed plan for expenditure of the grant moneys.
14 The office shall review any application and plan submitted to determine whether
15 that application and plan meet the criteria established under par. (c). The office shall
16 review the use of grant money provided under this subsection to ensure that the
17 money is used according to the approved plan.

18 **SECTION 331.** 16.964 (7) of the statutes is repealed and recreated to read:

19 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office of
20 justice assistance shall provide grants for cooperative county-tribal law enforcement
21 services to counties that have one or more federally recognized American Indian
22 reservations within or partially within their boundaries or that border on one or
23 more federally recognized American Indian reservations. In order to receive aid
24 under this subsection, a county must enter into an agreement in accordance with s.
25 59.54 (12) with an Indian tribe that is located in or borders on the county, to establish

SENATE BILL 55**SECTION 331**

1 a cooperative county-tribal law enforcement program. The office shall consider a
2 request for aid under this subsection from any county that meets the eligibility
3 criteria established under this paragraph and that submits to the office a proposal
4 for expenditure of grant moneys.

5 (b) The office may require that a county include the following in its proposal
6 for aid under this subsection:

7 1. A description of any cooperative county-tribal law enforcement program or
8 law enforcement service for which the county requests funding.

9 2. A description of the population and geographic area that the county proposes
10 to serve.

11 3. The county's need for funding under this subsection and the amount of
12 funding requested.

13 4. Identification of the county governmental unit that shall administer any aid
14 received under this subsection and a description of how that governmental unit shall
15 disburse any aid received under this subsection.

16 5. Any information, other than that in subds. 1. to 4., that is required by the
17 office or considered relevant by the county submitting the application.

18 (c) The office shall develop criteria and procedures for use in administering this
19 subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
20 promulgated as rules under ch. 227.

21 **SECTION 332.** 16.965 (2) of the statutes is amended to read:

22 16.965 (2) From the ~~appropriation~~ appropriations under ~~s. ss.~~ 20.505 (1) (cm)
23 and (if), the department may provide grants to local governmental units to be used
24 to finance the cost of planning activities, including contracting for planning
25 consultant services, public planning sessions and other planning outreach and

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1 educational activities, or for the purchase of computerized planning data, planning
2 software or the hardware required to utilize that data or software. The department
3 shall require any local governmental unit that receives a grant under this section to
4 finance a percentage of the cost of the product or service to be funded by the grant
5 from the resources of the local governmental unit. The department shall determine
6 the percentage of the cost to be funded by a local governmental unit based on the
7 number of applications for grants and the availability of funding to finance grants
8 for the fiscal year in which grants are to be provided. A local governmental unit that
9 desires to receive a grant under this subsection shall file an application with the
10 department. The application shall contain a complete statement of the expenditures
11 proposed to be made for the purposes of the grant. No local governmental unit is
12 eligible to receive a grant under this subsection unless the local governmental unit
13 agrees to utilize the grant to finance planning for all of the purposes specified in s.
14 ~~66.0295~~ 66.1001 (2).

15 **SECTION 333.** 16.965 (3) of the statutes, as affected by 1999 Wisconsin Act 9,
16 section 110p, is repealed and recreated to read:

17 16.965 (3) Prior to awarding a grant to a local governmental unit under sub.
18 (2), the department shall forward a statement of the expenditures proposed to be
19 made under the grant to the Wisconsin land council for its recommendation
20 concerning approval.

21 **SECTION 334.** 16.965 (5) of the statutes, as affected by 1999 Wisconsin Act 9,
22 section 110t, is repealed and recreated to read:

23 16.965 (5) The department may promulgate rules specifying the methodology
24 whereby precedence will be accorded to applications in awarding grants under sub.
25 (2).

SENATE BILL 55**SECTION 335**

1 **SECTION 335.** 16.9651 (1) of the statutes is renumbered 16.9651 (1) (intro.) and
2 amended to read:

3 16.9651 (1) (intro.) In this section, ~~“local:~~

4 (b) “Local governmental unit” means a county, city, village, town or regional
5 planning commission, or metropolitan planning organization, as defined in s. 85.243
6 (1) (c).

7 **SECTION 336.** 16.9651 (1) (a) of the statutes is created to read:

8 16.9651 (1) (a) “Highway corridor” means the area up to 10 miles on either side
9 of a state trunk highway that is identified in a transportation planning process by
10 the department of transportation to need additional capacity for vehicular traffic or
11 to have possible safety or operational problems resulting from pressure for
12 development adjacent to the highway.

13 **SECTION 337.** 16.9651 (2) of the statutes is renumbered 16.9651 (2) (intro.) and
14 amended to read:

15 16.9651 (2) (intro.) From the appropriation under s. 20.505 (1) (z), the
16 department may provide grants to local governmental units to be used ~~to~~ for any of
17 the following:

18 (a) To finance the cost of planning activities related to the transportation
19 element, as described in s. ~~66.0295~~ 66.1001 (2) (c), of a comprehensive plan, as
20 defined in s. ~~66.0295~~ 66.1001 (1) (a), including contracting for planning consultant
21 services, public planning sessions, and other planning outreach and educational
22 activities, or for the purchase of computerized planning data, planning software, or
23 the hardware required to utilize that data or software.

24 (4) The department may require any local governmental unit that receives a
25 grant under this section to finance not more than 25% of the cost of the product or

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1 service to be funded by the grant from the resources of the local governmental unit.
2 Prior to awarding a grant under this section, the department shall forward a detailed
3 statement of the expenditures to be made under the grant to the Wisconsin land
4 council for its recommendation concerning approval. The department shall also
5 forward a detailed statement of the proposed expenditures to be made under the
6 grant to the secretary of transportation and obtain his or her written approval of the
7 proposed expenditures.

8 **SECTION 338.** 16.9651 (2) (b) of the statutes is created to read:

9 16.9651 (2) (b) To assist local governmental units in the integrated
10 transportation and land-use planning for highway corridors. All highway corridor
11 planning activities shall be coordinated with any adopted state, regional, or local
12 plan. Activities under this subsection may include any of the following:

- 13 1. Identifying existing zoning and land-use issues.
- 14 2. Identifying existing and planned transportation facilities and services.
- 15 3. Analyzing future transportation needs.
- 16 4. Identifying areas for future development.
- 17 5. Identifying specific strategies to ensure better coordination of future
18 development and transportation needs in the corridor.

19 **SECTION 339.** 16.9651 (3) of the statutes is created to read:

20 16.9651 (3) In awarding grants under this section, the department shall give
21 priority in each fiscal year in the following order:

- 22 (a) To a grant for the purposes specified in sub. (2) (a) and (b).
- 23 (b) To a grant for the purpose specified in sub. (2) (a).
- 24 (c) To a grant for the purpose specified in sub. (2) (b).

25 **SECTION 340.** 16.9651 (5) of the statutes is created to read:

SENATE BILL 55**SECTION 340**

1 16.9651 (5) In consultation with the department of transportation, the
2 department of administration shall promulgate rules necessary to administer this
3 section.

4 **SECTION 341.** 16.966 (1) and (2) of the statutes, as affected by 1997 Wisconsin
5 Act 27, section 133b, are repealed and recreated to read:

6 16.966 (1) In this section, “state agency” has the meaning given for “agency”
7 under s. 16.045 (1) (a).

8 (2) The department may assess any state agency for any amount that it
9 determines to be required for the functions of the Wisconsin land council under s.
10 16.023. For this purpose, the department may assess state agencies on a premium
11 basis and pay costs incurred on an actual basis. The department shall credit all
12 moneys received from state agencies under this subsection to the appropriation
13 account under s. 20.505 (1) (kt).

14 **SECTION 342.** 16.966 (4) of the statutes, as affected by 1997 Wisconsin Act 27,
15 section 133d, is repealed.

16 **SECTION 343.** 16.967 of the statutes, as affected by 1997 Wisconsin Act 27,
17 section 141am, and 1999 Wisconsin Act 9, section 114n, is repealed and recreated to
18 read:

19 **16.967 Land information program. (1) DEFINITIONS.** In this section:

20 (b) “Land information” means any physical, legal, economic, or environmental
21 information or characteristics concerning land, water, groundwater, subsurface
22 resources, or air in this state. “Land information” includes information relating to
23 topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife,
24 associated natural resources, land ownership, land use, land use controls and
25 restrictions, jurisdictional boundaries, tax assessment, land value, land survey

SENATE BILL 55**SECTION 343**

1 records and references, geodetic control networks, aerial photographs, maps,
2 planimetric data, remote sensing data, historic and prehistoric sites, and economic
3 projections.

4 (c) "Land information system" means an orderly method of organizing and
5 managing land information and land records.

6 (d) "Land records" means maps, documents, computer files, and any other
7 information storage medium in which land information is recorded.

8 (e) "Systems integration" means land information that is housed in one
9 jurisdiction or jurisdictional subunit and is available to other jurisdictions,
10 jurisdictional subunits, public utilities, and other private sector interests.

11 **(3) DUTIES OF THE DEPARTMENT.** The department shall direct and supervise the
12 land information program and serve as the state clearinghouse for access to land
13 information. In addition, the department shall:

14 (a) Provide technical assistance and advice to state agencies and local
15 governmental units with land information responsibilities.

16 (b) Maintain and distribute an inventory of land information available for this
17 state, land records available for this state, and land information systems.

18 (c) Prepare guidelines to coordinate the modernization of land records and land
19 information systems.

20 (d) Review project applications received under sub. (7) and determine which
21 projects are approved.

22 (e) Review for approval a countywide plan for land records modernization
23 prepared under s. 59.72 (3) (b).

24 (f) Prior to the beginning of each fiscal year, provide to the Wisconsin land
25 council a statement of the department's proposed expenditures under s. 20.505 (1)

SENATE BILL 55**SECTION 343**

1 (ie) relating to the land information program and aids to counties for land
2 information projects for that fiscal year.

3 (4) FUNDING REPORT. The department shall identify and study possible program
4 revenue sources or other revenue sources for the purpose of funding the operations
5 of the department under this section, including grants to counties under sub. (7).

6 (6) REPORTS. By March 31, 1990, and biennially thereafter, the department of
7 agriculture, trade and consumer protection, the department of commerce, the
8 department of health and family services, the department of natural resources, the
9 department of tourism, the department of revenue, the department of
10 transportation, the board of regents of the University of Wisconsin System, the
11 public service commission, and the board of curators of the historical society shall
12 each submit to the department a plan to integrate land information to enable such
13 information to be readily translatable, retrievable, and geographically referenced for
14 use by any state, local governmental unit, or public utility, except that beginning
15 with the plan that is due on March 31, 2002, the department of revenue is not
16 required to submit a plan under this subsection.

17 (7) AID TO COUNTIES. (a) A county board that has established a county land
18 information office under s. 59.72 (3) may apply to the department on behalf of any
19 local governmental unit, as defined in s. 59.72 (1) (c), located wholly or partially
20 within the county for a grant for any of the following projects:

21 1. The design, development, and implementation of a land information system
22 that contains and integrates, at a minimum, property and ownership records with
23 boundary information, including a parcel identifier referenced to the U.S. public land
24 survey; tax and assessment information; soil surveys, if available; wetlands

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1 identified by the department of natural resources; a modern geodetic reference
2 system; current zoning restrictions; and restrictive covenants.

3 2. The preparation of parcel property maps that refer boundaries to the public
4 land survey system and are suitable for use by local governmental units for accurate
5 land title boundary line or land survey line information.

6 3. The preparation of maps that include a statement documenting accuracy if
7 the maps do not refer boundaries to the public land survey system and that are
8 suitable for use by local governmental units for planning purposes.

9 4. Systems integration projects.

10 (b) Grants shall be paid from the appropriation under s. 20.505 (1) (ie). A grant
11 under this subsection may not exceed \$100,000. The department may award more
12 than one grant to a county board.

13 **(8) ADVICE; COOPERATION.** In carrying out its duties under this section, the
14 department may seek advice and assistance from the University of Wisconsin
15 System, state agencies, local governmental units, and other experts involved in
16 collecting and managing land information. State agencies shall cooperate with the
17 department in the coordination of land information collection.

18 **(9) TECHNICAL ASSISTANCE; EDUCATION.** The department may provide technical
19 assistance to counties and conduct educational seminars, courses, or conferences
20 relating to land information.

21 **(10) SOIL SURVEYS AND MAPPING.** The department may conduct soil surveys and
22 soil mapping activities.

23 **SECTION 344.** 16.968 of the statutes, as affected by 1997 Wisconsin Act 27,
24 section 142am, is repealed and recreated to read:

SENATE BILL 55**SECTION 344**

1 **16.968 Groundwater survey and analysis.** The department shall allocate
2 funds for programs of groundwater survey and analysis to the department of natural
3 resources and the geological and natural history survey following review and
4 approval of a mutually agreed upon division of responsibilities concerning
5 groundwater programs between the department of natural resources and the
6 geological and natural history survey, a specific expenditure plan, and groundwater
7 data collection standards consistent with the purposes of s. 16.967. State funds
8 allocated under this section shall be used to match available federal funds prior to
9 being used for solely state-funded activities.

10 **SECTION 345.** Subchapter VII (title) of chapter 16 [precedes 16.97] of the
11 statutes is amended to read:

CHAPTER 16

SUBCHAPTER VII

INFORMATION EDUCATIONAL

TECHNOLOGY

16 **SECTION 346.** 16.97 (intro.) of the statutes is renumbered 22.01 (intro.) and
17 amended to read:

18 **22.01 Definitions.** (intro.) In this subchapter chapter:

19 **SECTION 347.** 16.97 (1) to (9) of the statutes are renumbered 22.01 (1) to (9).

20 **SECTION 348.** 16.97 (10) of the statutes is renumbered 16.97 and amended to
21 read:

22 **16.97 Definition.** ~~“Telecommunications” means the electronic movement of~~
23 ~~information in any form from one point to another~~ In this subchapter,
24 “telecommunications” has the meaning given in s. 22.01 (10).

25 **SECTION 349.** 16.971 (title) of the statutes is renumbered 22.03 (title).

SENATE BILL 55**SECTION 350**

1 **SECTION 350.** 16.971 (1) of the statutes is repealed.

2 **SECTION 351.** 16.971 (1m) of the statutes is renumbered 22.03 (2) (a) and
3 amended to read:

4 22.03 (2) (a) ~~The department shall ensure~~ Ensure that an adequate level of
5 information technology services is made available to all agencies by providing
6 systems analysis and application programming services to augment agency
7 resources, as requested. The department shall also ensure that executive branch
8 agencies make effective and efficient use of the information technology resources of
9 the state. The department shall, in cooperation with agencies, establish policies,
10 procedures and planning processes, for the administration of information technology
11 services, which executive branch agencies shall follow. The policies, procedures and
12 processes shall address the needs of agencies to carry out their functions. The
13 department shall monitor adherence to these policies, procedures and processes.

14 **SECTION 352.** 16.971 (2) (intro.) of the statutes is renumbered 22.03 (2) (intro.)
15 and amended to read:

16 22.03 (2) (intro.) ~~The division~~ department shall:

17 **SECTION 353.** 16.971 (2) (a) of the statutes is renumbered 22.03 (2) (ae) and
18 amended to read:

19 22.03 (2) (ae) Except as provided in sub. (2m), review and approve, modify or
20 reject all forms approved by a records and forms officer for jurisdiction, authority,
21 standardization of design and nonduplication of existing forms. Unless the ~~division~~
22 department rejects for cause or modifies the form within 20 working days after
23 receipt, it is considered approved. ~~The division's~~ department's rejection of any form
24 is appealable to the public records board. If the head of an agency certifies to the

SENATE BILL 55**SECTION 353**

1 ~~division~~ department that the form is needed on a temporary basis, approval by the
2 ~~division~~ department is not required.

3 **SECTION 354.** 16.971 (2) (am) to (k) of the statutes are renumbered 22.03 (2)
4 (am) to (k).

5 **SECTION 355.** 16.971 (2) (L) to (m) of the statutes are renumbered 22.03 (2) (L)
6 to (m) and amended to read:

7 22.03 (2) (L) Require each executive branch agency to adopt, ~~revise biennially,~~
8 and submit ~~for its approval, to the department, in a form specified by the department,~~
9 no later than March 1 of each year, a strategic plan for the utilization of information
10 technology to carry out the functions of the agency. ~~As a part of each plan, the division~~
11 ~~shall require each executive branch agency to address the business needs of the~~
12 ~~agency and to identify all proposed information technology development projects~~
13 ~~that serve those business needs, the priority for undertaking such projects and the~~
14 ~~justification for each project, including the anticipated benefits of the project. Each~~
15 ~~plan shall identify any changes in the functioning of the agency under the plan. The~~
16 ~~division shall consult with the joint committee on information policy and technology~~
17 ~~in providing guidance for and scheduling of planning by executive branch agencies~~
18 in the succeeding fiscal year for review and approval under s. 22.13.

19 (Lm) No later than 60 days after enactment of each biennial budget act, require
20 each executive branch agency that receives funding under that act for an information
21 technology development project to file with the ~~division~~ department an amendment
22 to its strategic plan for the utilization of information technology under par. (L). The
23 amendment shall identify each information technology development project for
24 which funding is provided under that act and shall specify, in a form prescribed by

SENATE BILL 55**SECTION 355**

1 the ~~secretary~~ chief information officer, the benefits that the agency expects to realize
2 from undertaking the project.

3 (m) Assist in coordination and integration of the plans of executive branch
4 agencies relating to information technology approved under par. (L) and, using these
5 plans and the statewide long-range telecommunications plan under s. ~~16.99~~ 22.41
6 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the
7 use and application of information technology. The ~~division~~ department shall, no
8 later than September 15 of each even-numbered year, submit the statewide strategic
9 plan to the cochairpersons of the joint committee on information policy and
10 technology and the governor.

11 **SECTION 356.** 16.971 (2) (n) and (2m) of the statutes are renumbered 22.03 (2)
12 (n) and (2m).

13 **SECTION 357.** 16.971 (3) of the statutes is repealed.

14 **SECTION 358.** 16.971 (4) and (6) of the statutes are renumbered 22.03 (4) and
15 (6).

16 **SECTION 359.** 16.971 (9) of the statutes is renumbered 22.03 (9) and amended
17 to read:

18 22.03 (9) In conjunction with the public defender board, the director of state
19 courts, the departments of corrections and justice and district attorneys, the ~~division~~
20 department of electronic government may maintain, promote and coordinate
21 automated justice information systems that are compatible among counties and the
22 officers and agencies specified in this subsection, using the moneys appropriated
23 under s. ~~20.505~~ 20.530 (1) (~~ja~~), (kp) and (kq). The ~~division~~ department of electronic
24 government shall annually report to the legislature under s. 13.172 (2) concerning

SENATE BILL 55**SECTION 359**

1 the ~~division's~~ department's efforts to improve and increase the efficiency of
2 integration of justice information systems.

3 **SECTION 360.** 16.971 (11) of the statutes is renumbered 22.03 (11) and amended
4 to read:

5 **22.03 (11)** The ~~division~~ department may charge executive branch agencies for
6 information technology development and management services provided to them by
7 the ~~division~~ department under this section.

8 **SECTION 361.** 16.973 (title) of the statutes is renumbered 22.05 (title) and
9 amended to read:

10 **22.05 (title) Powers of the ~~division of information technology services~~**
11 **department.**

12 **SECTION 362.** 16.973 (1) (intro.) and (b) to (d) of the statutes are renumbered
13 22.05 (1) (intro.) and (b) to (d).

14 **SECTION 363.** 16.973 (1) (a) of the statutes is renumbered 22.05 (1) (ag).

15 **SECTION 364.** 16.973 (2) (intro.) and (a) to (d) of the statutes are renumbered
16 22.05 (2) (intro.) and (a) to (d) and amended to read:

17 **22.05 (2) (intro.)** The ~~division of information technology services~~ department
18 may:

19 (a) Provide such telecommunications services to agencies as the ~~division~~
20 department considers to be appropriate.

21 (b) Provide such computer services and telecommunications services to local
22 governmental units and the broadcasting corporation and provide such
23 telecommunications services to qualified private schools, postsecondary
24 institutions, museums and zoos, as the ~~division~~ department considers to be
25 appropriate and as the ~~division~~ department can efficiently and economically provide.

SENATE BILL 55**SECTION 364**

1 The ~~division~~ department may exercise this power only if in doing so it maintains the
2 services it provides at least at the same levels that it provides prior to exercising this
3 power and it does not increase the rates chargeable to users served prior to exercise
4 of this power as a result of exercising this power. The ~~division~~ department may
5 charge local governmental units, ~~the broadcasting corporation~~, and qualified private
6 schools, postsecondary institutions, museums and zoos, for services provided to them
7 under this paragraph in accordance with a methodology determined by the ~~secretary~~
8 chief information officer. Use of telecommunications services by a qualified private
9 school or postsecondary institution shall be subject to the same terms and conditions
10 that apply to a municipality using the same services. The ~~division~~ department shall
11 prescribe eligibility requirements for qualified museums and zoos to receive
12 telecommunications services under this paragraph.

13 (c) Provide such supercomputer services to agencies, local governmental units
14 and entities in the private sector as the ~~division~~ department considers to be
15 appropriate and as the ~~division~~ department can efficiently and economically provide.
16 The ~~division~~ department may exercise this power only if in doing so it maintains the
17 services it provides at least at the same levels that it provides prior to exercising this
18 power and it does not increase the rates chargeable to users served prior to exercise
19 of this power as a result of exercising this power. The ~~division~~ department may
20 charge agencies, local governmental units and entities in the private sector for
21 services provided to them under this paragraph in accordance with a methodology
22 determined by the ~~secretary~~ chief information officer.

23 (d) Undertake such studies, contract for the performance of such studies, and
24 appoint such councils and committees for advisory purposes as the ~~division~~
25 department considers appropriate to ensure that the ~~division's~~ department's plans,

SENATE BILL 55**SECTION 364**

1 capital investments and operating priorities meet the needs of ~~state government and~~
2 ~~of agencies and of~~ local governmental units and entities in the private sector served
3 by the ~~division~~ department. The ~~division~~ department may compensate members of
4 any council or committee for their services and may reimburse such members for
5 their actual and necessary expenses incurred in the discharge of their duties.

6 **SECTION 365.** 16.973 (2) (e) of the statutes is renumbered 22.05 (2) (e).

7 **SECTION 366.** 16.974 (intro.) of the statutes is amended to read:

8 **16.974 Duties of the ~~division of information technology services~~**
9 **department.** (intro.) The ~~division of information technology services~~ department
10 shall:

11 **SECTION 367.** 16.974 (1) of the statutes is renumbered 22.07 (1) and amended
12 to read:

13 **22.07 (1)** Provide or contract with a public or private entity to provide computer
14 services to agencies. The ~~division~~ department may charge agencies for services
15 provided to them under this subsection in accordance with a methodology
16 determined by the secretary chief information officer.

17 **SECTION 368.** 16.974 (3) of the statutes is renumbered 22.07 (3).

18 **SECTION 369.** 16.974 (4) to (6) of the statutes are renumbered 22.07 (4) to (6)
19 and amended to read:

20 **22.07 (4)** Ensure responsiveness to the needs of agencies for delivery of
21 high-quality information technology processing services on an efficient and
22 economical basis, while not unduly affecting the privacy of individuals who are the
23 subjects of the information being processed by the ~~division~~ department.

SENATE BILL 55**SECTION 369**

1 **(5)** Utilize all feasible technical means to ensure the security of all information
2 submitted to the ~~division~~ department for processing by agencies, local governmental
3 units and entities in the private sector.

4 **(6)** With the advice of the ethics board, adopt and enforce standards of ethical
5 conduct applicable to its paid consultants which are similar to the standards
6 prescribed in subch. III of ch. 19, except that the ~~division~~ department shall not
7 require its paid consultants to file statements of economic interests.

8 **SECTION 370.** 16.974 (7) (a) of the statutes is renumbered 16.974 (1) and
9 amended to read:

10 16.974 **(1)** Coordinate with the technology for educational achievement in
11 Wisconsin board to provide secured correctional facilities, as defined in s. 44.70 (3r),
12 school districts and cooperative educational service agencies with
13 telecommunications access under s. 44.73 and contract with telecommunications
14 providers to provide such access.

15 **SECTION 371.** 16.974 (7) (b) to (d) of the statutes are renumbered 16.974 (2) to
16 (4).

17 **SECTION 372.** 16.975 of the statutes is renumbered 22.11 and amended to read:

18 **22.11 Access to information.** ~~The division of information technology services~~
19 department shall withhold from access under s. 19.35 (1) all information submitted
20 to the ~~division~~ department by agencies, authorities, units of the federal government,
21 local governmental units or entities in the private sector for the purpose of
22 processing. The ~~division~~ department may not process such information without the
23 consent of the agency, authority, unit or other entity which submitted the
24 information and may not withhold such information from the agency, authority, unit
25 or other entity or from any other person authorized by the agency, authority, unit or

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1 entity to have access to the information. The agency, authority, unit or other entity
2 submitting the information remains the custodian of the information while it is in
3 the custody of the ~~division~~ department and access to such information by that agency,
4 authority, unit or entity or any other person shall be determined by that agency,
5 authority, unit or other entity and in accordance with law.

6 **SECTION 373.** 16.979 of the statutes is renumbered 16.006.

7 **SECTION 374.** Subchapter IX (title) of chapter 16 [precedes 16.99] of the
8 statutes is repealed.

9 **SECTION 375.** 16.99 (title) of the statutes is renumbered 22.41 (title).

10 **SECTION 376.** 16.99 (1) of the statutes is repealed.

11 **SECTION 377.** 16.99 (2) (intro.) and (a) of the statutes are renumbered 22.41 (2)
12 (intro.) and (a) and amended to read:

13 22.41 (2) (intro.) POWERS AND DUTIES. (intro.) The department shall ensure
14 maximum utility, cost-benefit and operational efficiency of all telecommunications
15 systems and activities of this state, and those which interface with cities, counties,
16 villages, towns, other states and the federal government. The department, with the
17 assistance and cooperation of all other ~~departments~~ agencies, shall:

18 (a) Develop and maintain a statewide long-range telecommunications plan,
19 which will serve as a major element for budget preparation, as guidance for technical
20 implementation and as a means of ensuring the maximum use of shared systems by
21 ~~departments~~ agencies when this would result in operational or economic
22 improvements or both.

23 **SECTION 378.** 16.99 (2) (b) to (e) of the statutes are renumbered 22.41 (2) (b) to
24 (e).

SENATE BILL 55**SECTION 379**

1 **SECTION 379.** 16.99 (2) (f) of the statutes is renumbered 22.41 (2) (f) and
2 amended to read:

3 22.41 (2) (f) Perform the functions of agency telecommunications officer for
4 those ~~departments~~ agencies with no designated focal point for telecommunications
5 planning, coordination, technical review and procurement.

6 **SECTION 380.** 16.99 (3) of the statutes is renumbered 22.41 (3).

7 **SECTION 381.** 17.15 (4) of the statutes is repealed.

8 **SECTION 382.** 17.27 (1r) of the statutes is repealed.

9 **SECTION 383.** 19.36 (4) of the statutes is amended to read:

10 19.36 (4) COMPUTER PROGRAMS AND DATA. A computer program, as defined in s.
11 ~~16.971~~ 22.03 (4) (c), is not subject to examination or copying under s. 19.35 (1), but
12 the material used as input for a computer program or the material produced as a
13 product of the computer program is subject to the right of examination and copying,
14 except as otherwise provided in s. 19.35 or this section.

15 **SECTION 384.** 19.42 (10) (m) of the statutes is repealed.

16 **SECTION 385.** 19.42 (10) (o) of the statutes is created to read:

17 19.42 (10) (o) The chief executive officer and members of the board of directors
18 of the Fox River Navigational System Authority.

19 **SECTION 386.** 19.42 (10) (p) of the statutes is created to read:

20 19.42 (10) (p) A member of the public broadcasting transitional board under
21 s. 15.98 (2) (e).

22 **SECTION 387.** 19.42 (13) (L) of the statutes is repealed.

23 **SECTION 388.** 19.42 (13) (n) of the statutes is created to read:

24 19.42 (13) (n) The chief executive officer and members of the board of directors
25 of the Fox River Navigational System Authority.

SENATE BILL 55**SECTION 389**

1 **SECTION 389.** 19.42 (13) (p) of the statutes is created to read:

2 19.42 (13) (p) A member of the public broadcasting transitional board under
3 s. 15.98 (2) (e).

4 **SECTION 390.** 20.001 (2) (c) of the statutes is amended to read:

5 20.001 (2) (c) *Program revenues-service*. “Program revenues-service”, are
6 indicated by the abbreviation “PR-S” in s. 20.005, and, except as provided in s. 20.530
7 (1) (kp), consist of appropriated moneys in the general fund derived from any revenue
8 source that are transferred between or within state agencies or miscellaneous
9 appropriations. Except as provided in s. 20.530 (1) (kp), these moneys are
10 shown as expenditures in the appropriation of the state agency or program from
11 which the moneys are transferred and are also shown as program revenue in the
12 appropriation of the agency or program to which the moneys are transferred. For any
13 program revenue-service appropriation which is limited to the amounts in the
14 schedule, no expenditure may be made exceeding the amounts in the schedule,
15 except as provided in ss. 13.101 and 16.515, regardless of the amounts credited to the
16 account from which the appropriation is made.

17 **SECTION 391.** 20.002 (11) (d) 7. of the statutes is amended to read:

18 20.002 (11) (d) 7. The fish and wildlife account within the conservation fund
19 ~~under s. 25.29 (3).~~

20 **SECTION 392.** 20.003 (4) (d) of the statutes is amended to read:

21 20.003 (4) (d) For fiscal year 2002-03, 1.4% 1.2%.

22 **SECTION 393.** 20.005 (1) of the statutes is repealed and recreated to read:

23 20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for
24 the state of Wisconsin for all funds beginning on July 1, 2001, and ending on June
25 30, 2003, is summarized as follows: [See Figure 20.005 (1) following]

SENATE BILL 55**SECTION 393**1
2
3**Figure: 20.005 (1)****GENERAL FUND SUMMARY**

	2001-02	2002-03
Opening Balance, July 1	\$ 293,270,900	\$ 236,334,800
Revenues and Transfers		
Estimated Taxes	\$10,789,300,000	\$11,435,727,500
Estimated Departmental Revenues		
Tobacco Settlement	153,414,000	155,440,800
Tobacco Securitization	350,000,000	-0-
Other	<u>178,203,300</u>	<u>182,166,700</u>
Total Available	\$11,764,188,200	\$12,009,669,800
Appropriations, Transfers and Reserves		
Gross Appropriations	\$11,593,220,800	\$11,873,578,300
Compensation Reserves	27,900,000	82,500,000
Transfer to Tobacco Control Fund	12,006,400	21,169,200
Less Estimated Lapses	<u>(105,273,800)</u>	<u>(112,255,100)</u>
Total Expenditures	\$11,527,853,400	\$ 11,864,992,400
Balances		
Gross Balance	\$ 236,334,800	\$ 144,677,400
Less Required Statutory Balance	<u>(139,453,500)</u>	<u>(143,472,900)</u>
Net Balance, June 30	\$ 96,881,300	\$ 1,204,500

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	2001-02	2002-03
General Purpose Revenue	\$11,593,220,800	\$11,873,578,300
Federal Revenue		

SENATE BILL 55**SECTION 393**

	2001-02	2002-03
Program Revenue	4,815,882,800	4,840,184,700
Segregated Revenue	<u>695,249,000</u>	<u>738,878,700</u>
	\$ 5,511,131,800	\$ 5,579,063,400
Program Revenue		
State	2,200,553,400	2,262,704,200
Service	<u>775,561,000</u>	<u>757,958,000</u>
	\$ 2,976,114,400	\$ 3,020,662,200
Segregated Revenue		
State	2,815,817,400	2,552,443,200
Local	74,361,000	76,154,400
Service	<u>158,154,400</u>	<u>169,910,200</u>
	\$ 3,048,332,800	\$ 2,798,507,800
GRAND TOTAL	\$ 23,128,799,800	\$ 23,271,811,700

SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

	2001-02	2002-03
General Purpose Revenue	\$ 27,900,000	\$ 82,500,000
Federal Revenue	7,565,700	22,503,500
Program Revenue	20,465,700	60,593,100
Segregated Revenue	<u>4,765,300</u>	<u>14,108,600</u>
TOTAL	\$ 60,696,700	\$ 179,705,200

SENATE BILL 55**SECTION 393****LOTTERY FUND SUMMARY**

	2001-02	2002-03
Gross Revenue	\$ 412,476,100	\$ 414,328,300
Expenses		
Prizes	\$ 235,854,400	\$ 236,834,100
Administrative Expenses	<u>64,206,600</u>	<u>64,884,200</u>
	\$ 300,061,000	\$ 301,718,300
Net Proceeds	\$ 112,415,100	\$ 112,610,000
Total Available for Property Tax Relief		
Opening Balance	\$ 8,184,100	\$ 8,249,500
Net Proceeds	112,415,100	112,610,000
Interest Earnings	2,868,700	2,814,300
Gaming-Related Revenue	<u>2,532,200</u>	<u>2,306,100</u>
	\$ 126,000,100	\$ 125,979,900
Property Tax Relief	\$ 117,750,600	\$ 117,693,300
Gross Closing Balance	\$ 8,249,500	\$ 8,286,600
Reserve	\$ (8,249,500)	\$ (8,286,600)
Net Closing Balance	-0-	-0-

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SECTION 394. 20.005 (2) of the statutes is repealed and recreated to read:

3

20.005 (2) STATE BORROWING PROGRAM SUMMARY. The following schedule sets

4

forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b)

5

following]

SENATE BILL 55**SECTION 394**

Figure: 20.005 (2) (a)

**SUMMARY OF BONDING AUTHORITY MODIFICATIONS
2001-03 FISCAL BIENNIUM**

Source and Purpose	Amount
GENERAL OBLIGATIONS	
Administration	
Educational communications facilities	\$ 8,658,100
Agriculture, Trade and Consumer Protection	
Soil and water	7,000,000
Environmental Improvement Program	
Clean water fund program	85,000,000
Natural Resources	
Nonpoint source grants	22,400,000
Environmental repair	5,000,000
Urban nonpoint source cost sharing	11,000,000
Segregated revenue supported dam safety projects	250,000
Pollution abatement and sewage collection facilities	-8,956,400
Technology for Educational Achievement in Wisconsin Board	
Public library educational technology infrastructure financial assistance - wiring	-5,000,000
Public library educational technology infrastructure financial assistance - communications hardware	5,000,000
Transportation	
Harbor improvements	3,000,000
Rail acquisitions and improvements	4,500,000

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SENATE BILL 55**SECTION 394**

Source and Purpose	Amount
Veterans Affairs	
Self-amortizing mortgage loans	<u>100,340,000</u>
TOTAL General Obligation Bonds	\$ 238,191,700
REVENUE OBLIGATIONS	
Commerce	
PECFA	\$ 100,000,00
Environmental Improvement Program	
Clean water fund program	92,000,000
Transportation	
Major highway projects	296,485,400
Marquette interchange reconstruction	<u>6,996,600</u>
TOTAL Revenue Obligation Bonds	\$ 495,482,000
GRAND TOTAL Bonding Authority Modifications	\$ 733,673,700

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Figure: 20.005 (2) (b)

**GENERAL OBLIGATION AND
BUILDING CORPORATION DEBT SERVICE
FISCAL YEARS 2001-02 AND 2002-03**

STATUTE, AGENCY AND PURPOSE	SOURCE	2001-02	2002-03
<i>20.115 Agriculture, trade and consumer protection, department of</i>			
(2) (d) Principal repayment and interest	GPR	\$ 17,600	\$ 17,500
(7) (b) Principal repayment and interest, conservation enhancement reserve	GPR	975,300	2,583,300
(7) (f) Principal repayment and interest; soil and water	GPR	254,500	429,800

SENATE BILL 55**SECTION 394**

STATUTE, AGENCY AND PURPOSE	SOURCE	2001-02	2002-03
<i>20.190 State fair park board</i>			
(1) (c) Housing facilities principal repayment, interest and rebates	GPR	895,300	894,700
(1) (d) Principal repayment and interest	GPR	193,600	246,800
<i>20.225 Educational communications board</i>			
(1) (c) Principal repayment and interest	GPR	844,000	846,300
<i>20.245 Historical society</i>			
(1) (e) Principal repayment, interest and rebates	GPR	1,303,200	1,172,500
<i>20.250 Medical College of Wisconsin</i>			
(1) (e) Principal repayment and interest	GPR	158,600	158,700
<i>20.255 Public instruction, department of</i>			
(1) (d) Principal repayment and interest	GPR	1,133,100	1,033,500
<i>20.275 Technology for educational achievement in Wisconsin board</i>			
(1) (er) Principal, interest and rebates; general purpose revenue - public library boards	GPR	259,800	610,600
(1) (es) Principal, interest and rebates; general purpose revenue - school boards	GPR	3,663,100	5,419,900
<i>20.285 University of Wisconsin System</i>			
(1) (d) Principal repayment and interest	GPR	91,158,500	85,525,100
(1) (db) Self-amortizing facilities principal and interest	GPR	-0-	-0-
(1) (fh) State laboratory of hygiene; principal repayment and interest	GPR	-0-	-0-

SENATE BILL 55

STATUTE, AGENCY AND PURPOSE	SOURCE	2001-02	2002-03
<i>20.320 Environmental improvement program</i>			
(1) (c) Principal repayment and interest - clean water fund program	GPR	29,162,700	33,030,200
(2) (c) Principal repayment and interest - safe drinking water loan program	GPR	1,625,700	2,117,800
<i>20.370 Natural resources, department of</i>			
(7) (aa) Resource acquisition and development - principal repayment and interest	GPR	21,481,500	30,177,900
(7) (ac) Principal repayment and interest - recreational boating bonds	GPR	-0-	-0-
(7) (ba) Debt service - remedial action	GPR	2,428,500	2,796,800
(7) (ca) Principal repayment and interest - nonpoint source grants	GPR	3,363,600	3,794,500
(7) (cb) Principal repayment and interest - pollution abatement bonds	GPR	64,613,300	59,598,500
(7) (cc) Principal repayment and interest - combined sewer overflow; pollution abatement	GPR	17,316,300	17,159,800
(7) (cd) Principal repayment and interest - municipal clean drinking water grants	GPR	845,900	830,800
(7) (ce) Principal repayment and interest - nonpoint source	GPR	140,800	141,500
(7) (cf) Principal repayment and interest - urban nonpoint source cost-sharing	GPR	443,300	671,400
(7) (ea) Administrative facilities - principal repayment and interest	GPR	589,500	688,200

SENATE BILL 55**SECTION 394**

STATUTE, AGENCY AND PURPOSE	SOURCE	2001-02	2002-03
<i>20.395 Transportation, department of</i>			
(6) (af) Principal repayment and interest, local roads for job preservation, state funds	GPR	389,500	876,800
<i>20.410 Corrections, department of</i>			
(1) (e) Principal repayment and interest	GPR	70,176,200	79,046,700
(1) (ec) Prison industries principal, interest and rebates	GPR	-0-	-0-
(3) (e) Principal repayment and interest	GPR	4,171,700	4,172,100
<i>20.435 Health and family services, department of</i>			
(2) (ee) Principal repayment and interest	GPR	12,481,000	12,551,100
(2) (ef) Lease rental payments	GPR	-0-	-0-
(6) (e) Principal repayment and interest	GPR	54,000	47,800
<i>20.465 Military affairs, department of</i>			
(1) (d) Principal repayment and interest	GPR	2,984,900	2,757,200
<i>20.485 Veterans affairs, department of</i>			
(1) (e) Lease rental payments	GPR	-0-	-0-
(1) (f) Principal repayment and interest	GPR	1,339,700	1,264,900
<i>20.505 Administration, department of</i>			
(5) (c) Principal repayment and interest; Black Point Estate	GPR	35,500	88,100
(9) (b) Former educational communications board principal repayment and interest	GPR	-0-	-0-
<i>20.855 Miscellaneous appropriations</i>			
(8) (a) Dental clinic and education facility; principal repayment, interest and rebates	GPR	442,600	1,100,200

SENATE BILL 55

STATUTE, AGENCY AND PURPOSE	SOURCE	2001-02	2002-03
<i>20.867 Building commission</i>			
(1) (a) Principal repayment and interest; housing of state agencies	GPR	-0-	-0-
(1) (b) Principal repayment and interest; capitol and executive residence	GPR	6,337,300	6,314,500
(3) (a) Principal repayment and interest	GPR	34,851,700	49,378,200
(3) (b) Principal repayment and interest	GPR	885,200	2,200,300
(3) (bp) Principal repayment, interest and rebates	GPR	23,700	58,700
(3) (br) Principal repayment, interest and rebates	GPR	23,700	58,700
(3) (c) Lease rental payments	GPR	-0-	-0-
(3) (e) Principal repayment, interest and rebates; parking ramp	GPR	-0-	-0-
TOTAL General Purpose Revenue Debt Service		\$377,064,400	\$409,861,400
<i>20.190 State Fair Park Board</i>			
(1) (j) State fair principal repayment; interest and rebates	PR	\$ 2,413,300	\$ 2,970,500
<i>20.225 Educational communications board</i>			
(1) (i) Program revenue facilities; principal repayment, interest and rebates	PR	-0-	-0-
<i>20.245 Historical society</i>			
(1) (j) Self-amortizing facilities; principal repayment, interest and rebates	PR	3,400	73,600

SENATE BILL 55**SECTION 394**

STATUTE, AGENCY AND PURPOSE	SOURCE	2001-02	2002-03
<i>20.275 Technology for educational achievement in Wisconsin board</i>			
(1) (h) Principal, interest and rebates; program revenue - schools	PR	2,418,300	2,421,800
(1) (hb) Principal, interest and rebates; program revenue - public library boards	PR	23,800	23,800
<i>20.285 University of Wisconsin System</i>			
(1) (ih) State laboratory of hygiene; principal repayment and interest	PR	-0-	-0-
(1) (kd) Principal repayment, interest and rebates	PR	30,408,200	32,339,100
(1) (ke) Lease rental payments	PR	-0-	-0-
<i>20.410 Corrections, department of</i>			
(1) (ko) Prison industries principal repayment, interest and rebates	PR	309,600	567,900
<i>20.485 Veterans Affairs, department of</i>			
(1) (go) Self-amortizing housing facilities; principal repayment and interest	PR	390,800	934,300
<i>20.505 Administration, department of</i>			
(5) (g) Principal repayment, interest and rebates; parking	PR	1,253,400	1,252,400
(5) (kc) Principal repayment, interest and rebates	PR	13,583,500	12,945,000
(9) (h) Lease payments for educational broadcasting facilities	PR	-0-	-0-
<i>20.867 Building commission</i>			
(3) (g) Principal repayment, interest and rebates; program revenues	PR	-0-	-0-
(3) (h) Principal repayment, interest and rebates	PR	-0-	-0-

SENATE BILL 55

STATUTE, AGENCY AND PURPOSE	SOURCE	2001-02	2002-03
(3) (i) Principal repayment, interest and rebates; capital equipment	PR	-0-	-0-
TOTAL Program Revenue Debt Service		\$ 50,804,300	\$ 53,528,400

20.320 Environmental improvement program

(1) (t) Principal repayment and interest - clean water fund program bonds	SEG	\$ 6,000,000	\$ 6,000,000
(1) (u) Principal repayment and interest - clean water fund program revenue obligation repayment	SEG	-0-	-0-

20.370 Natural resources, department of

(7) (aq) Resource acquisition and development - principal repayment and interest	SEG	236,800	232,600
(7) (ar) Dam repair and removal - principal repayment and interest	SEG	335,400	387,700
(7) (at) Recreation development - principal repayment and interest	SEG	-0-	-0-
(7) (au) State forest acquisition and development - principal repayment and interest	SEG	8,000,000	4,000,000
(7) (eq) Administrative facilities - principal repayment and interest	SEG	1,586,800	1,834,700
(7) (er) Administrative facilities - principal repayment and interest; environmental fund	SEG	69,800	157,500

20.395 Transportation, department of

(6) (aq) Principal repayment and interest, transportation facilities, state funds	SEG	5,530,600	5,660,400
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SENATE BILL 55

STATUTE, AGENCY AND PURPOSE	SOURCE	2001-02	2002-03
(6) (ar) Principal repayment and interest, buildings, state funds	SEG	282,800	255,100
20.485 Veterans affairs, department of			
(3) (t) Debt service	SEG	78,144,900	84,078,700
(3) (v) Revenue obligation prepayment	SEG	-0-	-0-
(4) (qm) Repayment of principal and interest	SEG	84,100	83,600
20.867 Building commission			
(3) (q) Principal repayment and interest; segregated revenues	SEG	-0-	-0-
TOTAL Segregated Revenue Debt Service		\$100,271,200	\$102,690,300
GRAND TOTAL All Debt Service		\$528,139,900	\$566,080,100

1
2 **SECTION 395.** 20.005 (3) of the statutes is repealed and recreated to read:
3 20.005 (3) APPROPRIATIONS. The following schedule sets forth all annual,
4 biennial, and sum certain continuing appropriations and anticipated expenditures
5 from other appropriations for the programs and other purposes indicated. All
6 appropriations are made from the general fund unless otherwise indicated. The
7 letter abbreviations shown designating the type of appropriation apply to both fiscal
8 years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

9
10 **Figure: 20.005 (3)**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
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Commerce

12 **20.115 Agriculture, trade and consumer protection, department of**

13 (1) FOOD SAFETY AND CONSUMER PROTECTION

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(a) General program operations	GPR	A	-0-	-0-
2	Food inspection	GPR	A	2,484,200	2,484,200
3	Meat and poultry inspection	GPR	A	2,959,200	2,959,200
4	Trade and consumer protection	GPR	A	3,776,100	3,776,100
	NET APPROPRIATION			9,219,500	9,219,500
5	(c) Automobile repair regulation	GPR	A	308,000	308,000
6	(d) Payments to ethanol producers	GPR	A	-0-	3,000,000
7	(g) Related services	PR	C	25,500	25,500
8	(gb) Food regulation	PR	A	3,939,900	3,939,900
9	(gf) Fruit and vegetable inspection	PR	C	1,381,600	1,381,600
10	(gh) Public warehouse regulation	PR	C	89,700	89,700
11	(gm) Dairy trade regulation	PR	A	381,300	130,500
12	(h) Grain inspection and certification	PR	C	2,884,500	2,894,900
13	(hm) Ozone-depleting refrigerants and				
14	products regulation	PR	A	369,000	369,000
15	(i) Sale of supplies	PR	C	32,000	32,000
16	(j) Weights and measures inspection	PR	A	639,000	639,000
17	(jb) Consumer protection, information,				
18	and education	PR	A	175,000	175,000
19	(m) Federal funds	PR-F	C	3,439,000	3,439,000
20	(q) Dairy, grain, and vegetable security	SEG	A	588,100	828,500
21	(r) Unfair sales act	SEG	A	160,300	160,300

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(s) Weights and measures; petroleum				
2	inspection fund	SEG	A	573,600	573,600
3	(u) Recyclable and nonrecyclable				
4	products regulation	SEG	A	-0-	-0-
5	(v) Agricultural producer security;				
6	bonds	SEG	S	350,000	350,000
7	(w) Agricultural producer security;				
8	payments	SEG	S	2,000,000	2,000,000
9	(wb) Agricultural producer security;				
10	bond proceeds	SEG	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			9,527,500	12,527,500
	PROGRAM REVENUE			13,356,500	13,116,100
	FEDERAL			(3,439,000)	(3,439,000)
	OTHER			(9,917,500)	(9,677,100)
	SEGREGATED FUNDS			3,672,000	3,912,400
	OTHER			(3,672,000)	(3,912,400)
	TOTAL-ALL SOURCES			26,556,000	29,556,000
11	(2) ANIMAL HEALTH SERVICES				
12	(a) General program operations	GPR	A	-0-	-0-
13	Animal health services	GPR	A	1,932,800	1,932,800
	NET APPROPRIATION			1,932,800	1,932,800
14	(b) Animal disease indemnities	GPR	S	108,600	108,600
15	(c) Financial assistance for				
16	paratuberculosis testing	GPR	A	100,000	100,000
17	(d) Principal repayment and interest	GPR	S	17,600	17,500
18	(g) Related services	PR	C	45,000	45,000

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(h) Sale of supplies	PR	C	30,300	30,300
2	(ha) Inspection, testing and enforcement	PR	C	245,800	245,800
3	(j) Dog licenses, rabies control and				
4	related services	PR	C	123,400	123,400
5	(m) Federal funds	PR-F	C	164,700	164,700
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,159,000	2,158,900
	PROGRAM REVENUE			609,200	609,200
	FEDERAL			(164,700)	(164,700)
	OTHER			(444,500)	(444,500)
	TOTAL-ALL SOURCES			2,768,200	2,768,100
6	(3) MARKETING SERVICES				
7	(a) General program operations	GPR	A	-0-	-0-
8	Agricultural services	GPR	A	2,404,500	2,404,500
	NET APPROPRIATION			2,404,500	2,404,500
9	(g) Related services	PR	A	-0-	-0-
10	(i) Marketing orders and agreements	PR	C	76,600	76,600
11	(j) Stray voltage program	PR	A	307,500	307,500
12	(ja) Marketing services and materials	PR	C	302,000	302,000
13	(jm) Stray voltage program; rural				
14	electric cooperatives	PR	A	20,700	20,700
15	(L) Something special from Wisconsin				
16	promotion	PR	C	30,500	30,500
17	(m) Federal funds	PR-F	C	460,700	460,700
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,404,500	2,404,500
	PROGRAM REVENUE			1,198,000	1,198,000

SENATE BILL 55

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
	FEDERAL			(460,700)	(460,700)
	OTHER			(737,300)	(737,300)
	TOTAL-ALL SOURCES			3,602,500	3,602,500
1	(4) AGRICULTURAL ASSISTANCE				
2	(a) Aid to Wisconsin livestock breeders				
3	association	GPR	A	40,000	40,000
4	(b) Aids to county and district fairs	GPR	A	585,000	585,000
5	(c) Agricultural investment aids	GPR	B	400,000	400,000
6	(cd) Federal agricultural policy reform	GPR	B	50,000	50,000
7	(d) Farmers tuition assistance grants	GPR	B	5,000	5,000
8	(e) Aids to world dairy expo, inc.	GPR	A	25,000	25,000
9	(f) Exposition center grants	GPR	A	240,000	240,000
10	(k) Agricultural diversification; Indian				
11	gaming	PR-S	A	325,000	485,000
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,345,000	1,345,000
	PROGRAM REVENUE			325,000	485,000
	SERVICE			(325,000)	(485,000)
	TOTAL-ALL SOURCES			1,670,000	1,830,000
12	(7) AGRICULTURAL RESOURCE MANAGEMENT				
13	(a) General program operations	GPR	A	2,668,400	2,672,100
14	(b) Principal repayment and interest,				
15	conservation enhancement reserve	GPR	S	975,300	2,583,300
16	(c) Soil and water resource				
17	management program	GPR	C	9,847,000	9,847,000
18	(d) Drainage board grants	GPR	A	500,000	500,000

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(e) Agricultural chemical cleanup				
2	program; general fund	GPR	B	-0-	-0-
3	(f) Principal repayment and interest,				
4	soil and water	GPR	S	254,500	429,800
5	(g) Agricultural impact statements	PR	C	179,900	179,900
6	(ga) Related services	PR	C	103,600	103,600
7	(gm) Seed testing and labeling	PR	C	65,800	65,800
8	(h) Fertilizer research assessments	PR	C	160,500	160,500
9	(ha) Liming material research funds	PR	C	25,000	25,000
10	(ja) Plant protection	PR	C	168,200	181,600
11	(k) Agricultural resource management				
12	services	PR-S	C	468,200	468,200
13	(m) Federal funds	PR-F	C	2,434,400	2,434,400
14	(qb) Gypsy moth eradication; segregated				
15	revenues	SEG	C	213,200	213,200
16	(qc) Plant protection; conservation fund	SEG	A	1,110,000	1,131,000
17	(r) General program operations;				
18	agricultural management	SEG	A	5,280,100	5,286,800
19	(ue) Pesticide sales and use reporting				
20	system development	SEG	C	-0-	-0-
21	(v) Chemical and container disposal	SEG	A	560,400	560,400
22	(wm) Agricultural chemical cleanup				
23	reimbursement	SEG	C	3,738,600	3,738,600

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03	
(7) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				14,245,200	16,032,200	
PROGRAM REVENUE				3,605,600	3,619,000	
FEDERAL				(2,434,400)	(2,434,400)	
OTHER				(703,000)	(716,400)	
SERVICE				(468,200)	(468,200)	
SEGREGATED FUNDS				10,902,300	10,930,000	
OTHER				(10,902,300)	(10,930,000)	
TOTAL-ALL SOURCES				28,753,100	30,581,200	
1	(8)	CENTRAL ADMINISTRATIVE SERVICES				
2	(a)	General program operations	GPR	A	4,844,100	4,844,100
3	(g)	Gifts and grants	PR	C	25,000	25,000
4	(gm)	Enforcement cost recovery	PR	C	25,000	25,000
5	(h)	Sale of material and supplies	PR	C	52,000	52,000
6	(ha)	General laboratory related services	PR	C	422,700	422,700
7	(hm)	Restitution	PR	C	-0-	-0-
8	(i)	Related services	PR	C	201,200	201,200
9	(j)	Electronic processing	PR	C	-0-	-0-
10	(k)	Computer system equipment, staff				
11		and services	PR-S	B	2,289,600	2,295,600
12	(kL)	Central services	PR-S	C	714,500	714,500
13	(km)	General laboratory services	PR-S	B	2,543,800	2,532,800
14	(ks)	State services	PR-S	C	40,100	40,100
15	(m)	Federal funds	PR-F	C	40,000	40,000
16	(pz)	Indirect cost reimbursements	PR-F	C	613,400	613,400
(8) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				4,844,100	4,844,100	
PROGRAM REVENUE				6,967,300	6,962,300	
FEDERAL				(653,400)	(653,400)	

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
OTHER			(725,900)	(725,900)
SERVICE			(5,588,000)	(5,583,000)
TOTAL-ALL SOURCES			11,811,400	11,806,400
2 0 . 1 1 5 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			34,525,300	39,312,200
PROGRAM REVENUE			26,061,600	25,989,600
FEDERAL			(7,152,200)	(7,152,200)
OTHER			(12,528,200)	(12,301,200)
SERVICE			(6,381,200)	(6,536,200)
SEGREGATED FUNDS			14,574,300	14,842,400
OTHER			(14,574,300)	(14,842,400)
TOTAL-ALL SOURCES			75,161,200	80,144,200

1 **20.143 Commerce, department of**

2 (1) ECONOMIC AND COMMUNITY DEVELOPMENT

3 (a) General program operations GPR A 5,210,100 5,210,100

4 (b) Economic development promotion,
5 plans and studies GPR A 120,000 120,000

6 (bm) Aid to Forward Wisconsin, inc. GPR A 500,000 500,000

7 (br) Brownfields grant program; general
8 purpose revenue GPR A -0- -0-9 (c) Wisconsin development fund;
10 grants, loans and assistance GPR B 7,503,800 7,503,80011 (cb) WI Dev. Fund; tech. & pollut.
12 control & abatement grant & loans,
13 assistance GPR B -0- -0-14 (cf) Community-based nonprofit
15 organization grant for educational
16 project GPR A -0- -0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(d) High-technology business				
2	development corporation	GPR	A	250,000	250,000
3	(dr) Main street program	GPR	A	470,100	470,100
4	(e) Technology-based economic				
5	development	GPR	A	210,300	210,300
6	(em) Hazardous pollution prevention;				
7	contract	GPR	A	-0-	-0-
8	(en) Business development initiative	GPR	A	150,000	150,000
9	(er) Rural economic development				
10	program	GPR	B	656,500	656,500
11	(ew) International trade, business and				
12	economic development grants	GPR	B	-0-	-0-
13	(fg) New economy for Wisconsin				
14	program	GPR	A	762,100	762,100
15	(fm) Minority business projects; grants				
16	and loans	GPR	B	329,200	329,200
17	(fy) Women's business incubator grant	GPR	B	-0-	-0-
18	(g) Gifts, grants and proceeds	PR	C	626,500	626,500
19	(gc) Business development assistance				
20	center	PR	C	-0-	-0-
21	(h) Economic development operations	PR	A	116,500	116,500
22	(ie) Wisconsin development fund,				
23	repayments	PR	C	2,500,000	2,500,000

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(if) Mining economic development				
2	grants and loans; repayments	PR	C	-0-	-0-
3	(ig) Gaming economic development and				
4	diversification; repayments	PR	B	-0-	-0-
5	(im) Minority business projects;				
6	repayments	PR	C	267,200	267,200
7	(in) Business development initiative				
8	loan repayments	PR	C	60,000	60,000
9	(ir) Rural economic development loan				
10	repayments	PR	C	120,100	120,100
11	(jc) Physician and dentist and health				
12	care prov loan assistance pgm;				
13	penalties	PR	C	-0-	-0-
14	(jL) Health care provider loan				
15	assistance program; local				
16	contributions	PR	C	-0-	-0-
17	(jm) Physician and dentist loan				
18	assistance program; local				
19	contributions	PR	C	-0-	-0-
20	(k) Sale of materials or services	PR-S	C	78,200	86,300
21	(ka) Sale of materials and services —				
22	local assistance	PR-S	C	-0-	-0-
23	(kb) Sale of materials and services —				
24	individuals and organizations	PR-S	C	-0-	-0-
25	(kc) Clean air act compliance assistance	PR-S	A	199,700	199,700

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kf) American Indian economic				
2	development; technical assistance	PR-S	A	90,000	94,000
3	(kg) American Indian economic liaison				
4	and gaming grants specialist and				
5	pgm mktg	PR-S	A	199,500	199,500
6	(kh) American Indian economic				
7	development; liaison-grants	PR-S	A	25,000	25,000
8	(kj) Gaming economic development and				
9	diversification; grants and loans	PR-S	B	2,388,700	3,388,700
10	(kn) Forward Wisconsin, Inc. business				
11	recruitment	PR-S	A	100,000	200,000
12	(ko) Manufacturing extension center				
13	grants	PR-S	A	1,000,000	1,000,000
14	(kp) Business employees' skills training				
15	grants	PR-S	A	300,000	300,000
16	(kr) Physician and dent and hlth care				
17	prov loan assist pgms; repay and				
18	contracts	PR-S	C	428,700	468,700
19	(kt) Funds transferred from other state				
20	agencies	PR-S	C	1,500,000	-0-
21	(L) Recycling market development;				
22	repayments	PR	C	2,300,000	2,300,000
23	(m) Federal aid, state operations	PR-F	C	1,443,100	1,443,100
24	(n) Federal aid, local assistance	PR-F	C	34,400,000	34,400,000

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(o) Federal aid, individuals and				
2	organizations	PR-F	C	-0-	-0-
3	(qa) Brownfields redevelopment				
4	activities; administration	SEG	A	323,800	331,700
5	(qm) Brownfields grant programs and				
6	related grants; environmental fund	SEG	A	6,500,000	8,500,000
7	(qn) Forest products marketing	SEG	A	250,000	250,000
8	(r) Mining economic development				
9	grants and loans	SEG	C	-0-	-0-
10	(st) Recycling market development				
11	board; operations	SEG	A	130,100	130,100
12	(t) Forestry education grant program	SEG	C	100,000	100,000
13	(tm) Recycling market development				
14	board; contracts and assistance	SEG	B	-0-	-0-
15	(x) Industrial building construction				
16	loan fund	SEG	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			16,162,100	16,162,100
	PROGRAM REVENUE			48,143,200	47,795,300
	FEDERAL			(35,843,100)	(35,843,100)
	OTHER			(5,990,300)	(5,990,300)
	SERVICE			(6,309,800)	(5,961,900)
	SEGREGATED FUNDS			7,303,900	9,311,800
	OTHER			(7,303,900)	(9,311,800)
	TOTAL-ALL SOURCES			71,609,200	73,269,200
17	(3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
18	(a) General program operations	GPR	A	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(de) Private sewage system replacement				
2	and rehabilitation	GPR	C	3,500,000	3,500,000
3	(dm) Storage tank inventory	GPR	A	-0-	-0-
4	(g) Gifts and grants	PR	C	18,000	18,000
5	(ga) Auxiliary services	PR	C	25,000	25,000
6	(gb) Local agreements	PR	C	-0-	-0-
7	(h) Local energy resource system fees	PR	A	-0-	-0-
8	(i) Manufactured home park water				
9	and sewer service	PR	A	61,400	61,400
10	(j) Safety and buildings operations	PR	A	16,815,200	16,815,200
11	(ka) Interagency agreements	PR-S	C	717,300	760,900
12	(ks) Data processing	PR-S	C	-0-	-0-
13	(L) Fire dues distribution	PR	C	7,000,000	7,000,000
14	(La) Fire prevention and fire dues				
15	administration	PR	A	648,800	648,800
16	(Lm) Petroleum storage remedial action				
17	fees	PR	A	116,100	116,100
18	(m) Federal funds	PR-F	C	634,600	634,600
19	(ma) Federal aid program administration	PR-F	C	-0-	-0-
20	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
21	(q) Groundwater standards;				
22	implementation	SEG	A	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(r) Safety and buildings operations;				
2	petroleum inspection fund	SEG	A	6,925,400	6,925,400
3	(sa) Administration of mobile homes	SEG	A	83,400	83,400
4	(t) Petroleum inspection fund -				
5	revenue obligation repayment	SEG	S	-0-	-0-
6	(v) Petroleum storage environmental				
7	remedial action; awards	SEG	B	94,131,700	94,131,700
8	(w) Petroleum storage environmental				
9	remedial action; administration	SEG	A	3,149,500	3,126,200
10	(z) Green tier and environmental				
11	system grants	SEG	B	100,000	200,000
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,500,000	3,500,000
	PROGRAM REVENUE			26,036,400	26,080,000
	FEDERAL			(634,600)	(634,600)
	OTHER			(24,684,500)	(24,684,500)
	SERVICE			(717,300)	(760,900)
	SEGREGATED FUNDS			104,390,000	104,466,700
	OTHER			(104,390,000)	(104,466,700)
	TOTAL-ALL SOURCES			133,926,400	134,046,700
12	(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
13	(a) General program operations	GPR	A	1,739,900	1,743,000
14	(g) Gifts, grants and proceeds	PR	C	12,000	12,000
15	(k) Sale of materials or services	PR-S	C	158,700	158,700
16	(ka) Sale of materials and services —				
17	local assistance	PR-S	C	-0-	-0-
18	(kb) Sale of materials and services —				
19	individuals and organizations	PR-S	C	-0-	-0-

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kd) Administrative services	PR-S	A	3,999,500	3,999,500
2	(ke) Transfer of unappropriated				
3	balances	PR-S	C	-0-	-0-
4	(m) Federal aid, state operations	PR-F	C	-0-	-0-
5	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
6	(o) Federal aid, individuals and				
7	organizations	PR-F	C	-0-	-0-
8	(pz) Indirect cost reimbursements	PR-F	C	201,000	202,800
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,739,900	1,743,000
	PROGRAM REVENUE			4,371,200	4,373,000
	FEDERAL			(201,000)	(202,800)
	OTHER			(12,000)	(12,000)
	SERVICE			(4,158,200)	(4,158,200)
	TOTAL-ALL SOURCES			6,111,100	6,116,000
20.143 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			21,402,000	21,405,100
	PROGRAM REVENUE			78,550,800	78,248,300
	FEDERAL			(36,678,700)	(36,680,500)
	OTHER			(30,686,800)	(30,686,800)
	SERVICE			(11,185,300)	(10,881,000)
	SEGREGATED FUNDS			111,693,900	113,778,500
	OTHER			(111,693,900)	(113,778,500)
	TOTAL-ALL SOURCES			211,646,700	213,431,900
9	20.144 Financial institutions, department of				
10	(1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS				
11	(a) Losses on public deposits	GPR	S	-0-	-0-
12	(g) General program operations	PR	A	13,661,400	13,368,700
13	(h) Gifts, grants, settlements and				
14	publications	PR	C	65,000	65,000

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(i) Investor education fund	PR	A	100,000	100,000
2	(u) State deposit fund	SEG	S	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			13,826,400	13,533,700
	OTHER			(13,826,400)	(13,533,700)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			13,826,400	13,533,700
3	(2) OFFICE OF CREDIT UNIONS				
4	(g) General program operations	PR	A	1,897,300	1,920,100
5	(m) Credit union examinations, federal				
6	funds	PR-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	PROGRAM REVENUE			1,897,300	1,920,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,897,300)	(1,920,100)
	TOTAL-ALL SOURCES			1,897,300	1,920,100
20.144 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			15,723,700	15,453,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(15,723,700)	(15,453,800)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			15,723,700	15,453,800
7	20.145 Insurance, office of the commissioner of				
8	(1) SUPERVISION OF THE INSURANCE INDUSTRY				
9	(g) General program operations	PR	A	12,023,500	12,272,700
10	(gm) Gifts and grants	PR	C	-0-	-0-
11	(h) Holding company restructuring				
12	expenses	PR	C	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(k) Administrative and support				
2	services	PR-S	A	3,864,000	4,042,400
3	(m) Federal funds	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	PROGRAM REVENUE			15,887,500	16,315,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(12,023,500)	(12,272,700)
	SERVICE			(3,864,000)	(4,042,400)
	TOTAL-ALL SOURCES			15,887,500	16,315,100
4	(2) PATIENTS COMPENSATION FUND				
5	(q) Interest earned on future medical				
6	expenses	SEG	S	-0-	-0-
7	(u) Administration	SEG	A	830,600	836,100
8	(um) Peer review council	SEG	A	116,800	120,000
9	(v) Specified responsibilities, inv. board				
10	payments and future medical				
11	expenses	SEG	C	54,697,400	54,697,400
	(2) PROGRAM TOTALS				
	SEGREGATED FUNDS			55,644,800	55,653,500
	OTHER			(55,644,800)	(55,653,500)
	TOTAL-ALL SOURCES			55,644,800	55,653,500
12	(3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
13	(u) Administration	SEG	A	726,100	751,500
14	(v) Specified payments, fire dues and				
15	reinsurance	SEG	C	15,734,600	17,821,000
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			16,460,700	18,572,500
	OTHER			(16,460,700)	(18,572,500)
	TOTAL-ALL SOURCES			16,460,700	18,572,500

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(4) STATE LIFE INSURANCE FUND				
2	(u) Administration	SEG	A	647,900	606,700
3	(v) Specified payments and losses	SEG	C	2,980,000	2,980,000
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			3,627,900	3,586,700
	OTHER			(3,627,900)	(3,586,700)
	TOTAL-ALL SOURCES			3,627,900	3,586,700
	20.145 DEPARTMENT TOTALS				
	PROGRAM REVENUE			15,887,500	16,315,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(12,023,500)	(12,272,700)
	SERVICE			(3,864,000)	(4,042,400)
	SEGREGATED FUNDS			75,733,400	77,812,700
	OTHER			(75,733,400)	(77,812,700)
	TOTAL-ALL SOURCES			91,620,900	94,127,800
4	20.155 Public service commission				
5	(1) REGULATION OF PUBLIC UTILITIES				
6	(g) Utility regulation	PR	A	13,198,400	13,199,700
7	(h) Holding company and nonutility				
8	affiliate regulation	PR	C	609,200	609,200
9	(j) Intervenor financing	PR	A	750,000	750,000
10	(jm) Stray voltage research	PR	A	-0-	-0-
11	(L) Stray voltage program	PR	A	202,600	202,600
12	(Lb) Gifts for stray voltage program	PR	C	-0-	-0-
13	(Lm) Consumer education and awareness	PR	C	-0-	-0-
14	(m) Federal funds	PR-F	C	137,400	137,400
15	(n) Indirect costs reimbursement	PR-F	C	25,000	25,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(q) Universal telecommunications				
2	service	SEG	A	6,900,000	6,900,000
3	(r) Nuclear waste escrow fund	PR-S	C	-0-	-0-
	(1) PROGRAM TOTALS				
	PROGRAM REVENUE			14,922,600	14,923,900
	FEDERAL			(162,400)	(162,400)
	OTHER			(14,760,200)	(14,761,500)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			6,900,000	6,900,000
	OTHER			(6,900,000)	(6,900,000)
	TOTAL-ALL SOURCES			21,822,600	21,823,900
4	(2) OFFICE OF THE COMMISSIONER OF RAILROADS				
5	(g) Railroad regulation and general				
6	program operations	PR	A	672,700	663,200
7	(m) Railroad regulation; federal funds	PR-F	C	-0-	-0-
	(2) PROGRAM TOTALS				
	PROGRAM REVENUE			672,700	663,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(672,700)	(663,200)
	TOTAL-ALL SOURCES			672,700	663,200
	20.155 DEPARTMENT TOTALS				
	PROGRAM REVENUE			15,595,300	15,587,100
	FEDERAL			(162,400)	(162,400)
	OTHER			(15,432,900)	(15,424,700)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			6,900,000	6,900,000
	OTHER			(6,900,000)	(6,900,000)
	TOTAL-ALL SOURCES			22,495,300	22,487,100
8	20.165 Regulation and licensing, department of				
9	(1) PROFESSIONAL REGULATION				
10	(g) General program operations	PR	A	10,371,900	10,238,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(gm) Applicant investigation				
2	reimbursement	PR	C	180,100	180,100
3	(h) Technical assistance; nonstate				
4	agencies and organizations	PR	C	-0-	-0-
5	(i) Examinations; general program				
6	operations	PR	C	1,728,900	1,718,900
7	(k) Technical assistance; state agencies	PR-S	C	-0-	-0-
8	(m) Federal funds	PR-F	C	-0-	-0-
20.165 DEPARTMENT TOTALS					
	PROGRAM REVENUE			12,280,900	12,137,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(12,280,900)	(12,137,400)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			12,280,900	12,137,400
9	20.190 State fair park board				
10	(1) STATE FAIR PARK				
11	(c) Housing facilities principal				
12	repayment, interest and rebates	GPR	S	895,300	894,700
13	(d) Principal repayment and interest	GPR	S	193,600	246,800
14	(h) State fair operations	PR	C	13,640,500	13,666,000
15	(i) State fair capital expenses	PR	C	448,000	448,000
16	(j) State fair principal repayment,				
17	interest and rebates	PR	S	2,413,300	2,970,500
18	(jm) Gifts and grants	PR	C	-0-	-0-
19	(m) Federal funds	PR-F	C	-0-	-0-
20.190 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			1,088,900	1,141,500

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
PROGRAM REVENUE			16,501,800	17,084,500
FEDERAL			(-0-)	(-0-)
OTHER			(16,501,800)	(17,084,500)
TOTAL-ALL SOURCES			17,590,700	18,226,000

Commerce

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			57,016,200	61,858,800
PROGRAM REVENUE			180,601,600	180,815,800
FEDERAL			(43,993,300)	(43,995,100)
OTHER			(115,177,800)	(115,361,100)
SERVICE			(21,430,500)	(21,459,600)
SEGREGATED FUNDS			208,901,600	213,333,600
FEDERAL			(-0-)	(-0-)
OTHER			(208,901,600)	(213,333,600)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			446,519,400	456,008,200

Education

1	20.215 Arts board				
2	(1) SUPPORT OF ARTS PROJECTS				
3	(a) General program operations	GPR	A	353,100	353,100
4	(b) State aid for the arts	GPR	A	1,240,500	1,240,500
5	(c) Portraits of governors	GPR	A	-0-	-0-
6	(d) Challenge grant program	GPR	A	819,800	819,800
7	(e) High point fund	GPR	A	-0-	-0-
8	(f) Wisconsin regranting program	GPR	A	150,000	150,000
9	(fm) Portage county arts alliance	GPR	A	-0-	-0-
10	(g) Gifts and grants; state operations	PR	C	20,000	20,000
11	(h) Gifts and grants; aids to individuals				
12	and organizations	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(k) Funds received from other state				
2	agencies	PR-S	C	-0-	-0-
3	(ka) Percent-for-art administration	PR-S	A	-0-	-0-
4	(km) State aid for the arts; Indian				
5	gaming receipts	PR-S	A	25,200	25,200
6	(m) Federal grants; state operations	PR-F	C	355,900	355,900
7	(o) Federal grants; aids to individuals				
8	and organizations	PR-F	C	225,000	225,000
20.215 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			2,563,400	2,563,400
	PROGRAM REVENUE			626,100	626,100
	FEDERAL			(580,900)	(580,900)
	OTHER			(20,000)	(20,000)
	SERVICE			(25,200)	(25,200)
	TOTAL-ALL SOURCES			3,189,500	3,189,500
9	20.218 Educational broadcasting corporation				
10	(1) EDUCATIONAL BROADCASTING				
11	(a) Operational costs; television	GPR	A	-0-	-0-
12	(b) Operational costs; radio	GPR	A	-0-	-0-
20.218 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
13	20.225 Educational communications board				
14	(1) INSTRUCTIONAL TECHNOLOGY				
15	(a) General program operations	GPR	A	3,841,600	3,844,400
16	(b) Energy costs	GPR	A	409,700	411,500
17	(c) Principal repayment and interest	GPR	S	844,000	846,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(d) Milwaukee area technical college	GPR	A	330,000	330,000
2	(eg) Transmitter construction	GPR	C	-0-	-0-
3	(er) Transmitter operation	GPR	A	25,000	25,000
4	(f) Programming	GPR	A	1,611,400	1,614,000
5	(g) Gifts, grants, contracts and leases	PR	C	8,344,800	8,406,000
6	(h) Instructional material	PR	A	311,600	311,600
7	(i) Program revenue facilities;				
8	principal repayment, interest, and				
9	rebates	PR	S	-0-	-0-
10	(k) Funds received from other state				
11	agencies	PR-S	C	-0-	-0-
12	(kb) Emergency weather warning				
13	system operation	PR-S	A	71,800	71,800
14	(m) Federal grants	PR-F	C	1,031,800	1,171,800
	20.225 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			7,061,700	7,071,200
	PROGRAM REVENUE			9,760,000	9,961,200
	FEDERAL			(1,031,800)	(1,171,800)
	OTHER			(8,656,400)	(8,717,600)
	SERVICE			(71,800)	(71,800)
	TOTAL-ALL SOURCES			16,821,700	17,032,400
15	20.235 Higher educational aids board				
16	(1) STUDENT SUPPORT ACTIVITIES				
17	(b) Tuition grants	GPR	B	21,038,600	21,038,600
18	(cg) Nursing student loans	GPR	A	-0-	-0-
19	(cr) Minority teacher loans	GPR	A	240,000	240,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(cu) Teacher education loan program	GPR	A	250,000	250,000
2	(cx) Loan pgm for teachers & orient &				
3	mobility instructors of vis imp				
4	pupils	GPR	A	100,000	100,000
5	(d) Dental education contract	GPR	A	1,167,000	1,167,000
6	(e) Minnesota-Wisconsin student				
7	reciprocity agreement	GPR	S	-0-	-0-
8	(fc) Independent student grants				
9	program	GPR	B	-0-	-0-
10	(fd) Talent incentive grants	GPR	B	4,503,800	4,503,800
11	(fe) Wisconsin higher education grants;				
12	University of Wisconsin system				
13	students	GPR	B	18,900,300	18,900,300
14	(ff) Wisconsin higher education grants;				
15	technical college students	GPR	B	13,201,900	13,201,900
16	(fg) Minority undergraduate retention				
17	grants program	GPR	B	693,100	693,100
18	(fj) Handicapped student grants	GPR	B	123,800	123,800
19	(fy) Governor Thompson scholarship				
20	program	GPR	S	2,917,000	2,917,000
21	(g) Student loans	PR	A	-0-	-0-
22	(gg) Nursing student loan repayments	PR	C	-0-	-0-
23	(gm) Indian student assistance;				
24	contributions	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(i) Gifts and grants	PR	C	-0-	-0-
2	(k) Indian student assistance	PR-S	B	779,800	787,600
3	(km) Wisconsin higher education grants;				
4	tribal college students	PR-S	B	400,000	404,000
5	(kt) Funds transferred from other state				
6	agencies	PR-S	C	88,300	80,000
7	(no) Federal aid; aids to individuals and				
8	organizations	PR-F	C	875,800	875,800
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			63,135,500	63,135,500
	PROGRAM REVENUE			2,143,900	2,147,400
	FEDERAL			(875,800)	(875,800)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,268,100)	(1,271,600)
	TOTAL-ALL SOURCES			65,279,400	65,282,900
9	(2) ADMINISTRATION				
10	(aa) General program operations	GPR	A	802,200	802,200
11	(bb) Student loan interest, loans sold or				
12	conveyed	GPR	S	-0-	-0-
13	(bc) Write-off of uncollectible student				
14	loans	GPR	A	-0-	-0-
15	(bd) Purchase of defective student loans	GPR	S	-0-	-0-
16	(ga) Student interest payments	PR	C	1,000	1,000
17	(gb) Student interest payments, loans				
18	sold or conveyed	PR	C	-0-	-0-
19	(ia) Student loans; collection and				
20	administration	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ja) Write-off of defaulted student loans	PR	A	-0-	-0-
2	(n) Federal aid; state operations	PR-F	C	-0-	-0-
3	(qa) Student loan revenue obligation				
4	repayment	SEG	C	-0-	-0-
5	(qb) Wisconsin health education loan				
6	revenue obligation repayment	SEG	C	76,200	76,200
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			802,200	802,200
	PROGRAM REVENUE			1,000	1,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,000)	(1,000)
	SEGREGATED FUNDS			76,200	76,200
	OTHER			(76,200)	(76,200)
	TOTAL-ALL SOURCES			879,400	879,400
20.235 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			63,937,700	63,937,700
	PROGRAM REVENUE			2,144,900	2,148,400
	FEDERAL			(875,800)	(875,800)
	OTHER			(1,000)	(1,000)
	SERVICE			(1,268,100)	(1,271,600)
	SEGREGATED FUNDS			76,200	76,200
	OTHER			(76,200)	(76,200)
	TOTAL-ALL SOURCES			66,158,800	66,162,300
7	20.245 Historical society				
8	(1) HISTORY SERVICES				
9	(a) General program operations	GPR	A	7,120,100	7,120,100
10	(ag) General program operations;				
11	historic sites and museum services	GPR	A	3,001,600	3,001,600
12	(c) Energy costs	GPR	A	402,700	389,900
13	(e) Principal repayment, interest, and				
14	rebates	GPR	S	1,303,200	1,172,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(g) Admissions, sales and other				
2	receipts	PR	C	3,484,300	3,484,300
3	(h) Gifts and grants	PR	C	351,100	316,700
4	(j) Self-amortizing facilities; principal				
5	repayment, interest and rebates	PR	S	3,400	73,600
6	(km) Northern great lakes center	PR-S	C	189,800	189,800
7	(ks) General program operations -				
8	service funds	PR-S	C	1,518,600	1,518,600
9	(m) General program operations;				
10	federal funds	PR-F	C	950,800	949,500
11	(pz) Indirect cost reimbursements	PR-F	C	95,000	95,000
12	(q) Endowment principal	SEG	C	490,500	490,500
13	(s) Transfer to Historical Society				
14	endowment fund	SEG	S	-0-	-0-
15	(t) Historical legacy program	SEG	S	-0-	-0-
16	(y) Northern great lakes center;				
17	interpretive programming	SEG	A	35,200	35,200

20.245 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	11,827,600	11,684,100
PROGRAM REVENUE	6,593,000	6,627,500
FEDERAL	(1,045,800)	(1,044,500)
OTHER	(3,838,800)	(3,874,600)
SERVICE	(1,708,400)	(1,708,400)
SEGREGATED FUNDS	525,700	525,700
OTHER	(525,700)	(525,700)
TOTAL-ALL SOURCES	18,946,300	18,837,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	20.250 Medical college of Wisconsin				
2	(1) TRAINING OF HEALTH PERSONNEL				
3	(a) General program operations	GPR	A	4,105,100	4,105,100
4	(b) Family medicine and practice	GPR	A	3,371,900	3,371,900
5	(e) Principal repayment and interest	GPR	S	158,600	158,700
6	(k) Tobacco-related illnesses	PR-S	C	500,000	500,000
	20.250 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			7,635,600	7,635,700
	PROGRAM REVENUE			500,000	500,000
	SERVICE			(500,000)	(500,000)
	TOTAL-ALL SOURCES			8,135,600	8,135,700
7	20.255 Public instruction, department of				
8	(1) EDUCATIONAL LEADERSHIP				
9	(a) General program operations	GPR	A	11,800,300	11,814,500
10	(b) Gen pgm ops; school for the deaf				
11	and ctr for the blind and vis				
12	impaired	GPR	A	9,732,800	9,873,600
13	(c) Energy costs; school for the deaf				
14	and center for the blind and vis				
15	impaired	GPR	A	444,100	373,100
16	(d) Principal repayment and interest	GPR	S	1,133,100	1,033,500
17	(dw) Pupil assessment	GPR	A	9,839,800	-0-
18	(g) Student activity therapy	PR	A	6,500	6,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(gb) School for the deaf and center for				
2	the blind and vis impaired; nonres				
3	fees	PR	C	50,000	50,000
4	(gh) School for the deaf and ctr for the				
5	blind and vis impaired;				
6	hospitalization	PR	C	-0-	-0-
7	(gL) Center for the blind and visually				
8	impaired; leasing of space	PR	C	40,000	40,000
9	(gs) School for the deaf and center for				
10	the blind and vis impaired; services	PR	C	27,000	27,000
11	(gt) School for the deaf and ctr for the				
12	blind and vis impaired; pupil transp	PR	A	850,000	850,000
13	(hf) Administrative leadership academy	PR	A	-0-	-0-
14	(hg) Personnel certific., teacher supply,				
15	info. and analysis and teacher				
16	improv.	PR	A	3,000,000	3,130,000
17	(hm) Services for drivers	PR	A	236,900	236,900
18	(i) Publications	PR	A	573,900	573,900
19	(im) Library products and services	PR	C	660,700	660,700
20	(jg) School lunch handling charges	PR	A	15,007,500	15,011,100
21	(jm) Professional services center charges	PR	A	180,000	180,000
22	(jr) Gifts, grants and trust funds	PR	C	510,000	510,000
23	(js) State-owned housing maintenance	PR	A	7,500	7,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(jz) School district boundary appeal				
2	proceedings	PR	C	10,500	10,500
3	(kd) Alcohol and other drug abuse				
4	program	PR-S	A	781,600	781,600
5	(ke) Funds transferred from other state				
6	agencies; program operations	PR-S	C	3,529,000	1,662,400
7	(km) State agency library processing				
8	center	PR-S	A	80,000	80,000
9	(ks) Data processing	PR-S	C	2,386,700	2,386,700
10	(me) Federal aids; program operations	PR-F	C	20,419,800	19,779,400
11	(pz) Indirect cost reimbursements	PR-F	C	1,446,000	1,446,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			32,950,100	23,094,700
	PROGRAM REVENUE			49,803,600	47,430,200
	FEDERAL			(21,865,800)	(21,225,400)
	OTHER			(21,160,500)	(21,294,100)
	SERVICE			(6,777,300)	(4,910,700)
	TOTAL-ALL SOURCES			82,753,700	70,524,900
12	(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
13	(ac) General equalization aids	GPR	S	4,087,327,900	4,250,046,700
14	(ad) Supplemental aid	GPR	A	125,000	125,000
15	(b) Aids for special education and				
16	school age parents programs	GPR	A	325,681,400	330,681,400
17	(bc) Aid for children-at-risk programs	GPR	A	3,500,000	3,500,000
18	(bh) Aid to county children with				
19	disabilities education boards	GPR	A	4,000,000	4,000,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(cc) Bilingual-bicultural education aids	GPR	A	8,791,400	9,291,400
2	(cf) Alternative education grants	GPR	A	5,000,000	5,000,000
3	(cg) Tuition payments; full-time open				
4	enrollment transfer payments	GPR	A	8,803,700	9,741,000
5	(cm) Grants for school breakfast				
6	programs	GPR	C	892,100	892,100
7	(cn) Aids for school lunches and				
8	nutritional improvement	GPR	A	4,371,100	4,371,100
9	(cp) Wisconsin morning milk program	GPR	A	710,600	710,600
10	(cr) Aid for pupil transportation	GPR	A	17,742,500	17,742,500
11	(cs) Aid for debt service	GPR	A	300,000	300,000
12	(cu) Achievement guarantee contracts	GPR	A	60,603,600	69,441,600
13	(cv) Achievement guarantee contracts;				
14	supplement	GPR	A	4,739,000	4,739,000
15	(cw) Aid for transportation; youth				
16	options program	GPR	A	20,000	20,000
17	(cy) Aid for transportation; open				
18	enrollment	GPR	A	500,000	500,000
19	(dm) Grants for alcohol & other drug				
20	abuse prevention & intervention				
21	programs	GPR	A	4,520,000	4,520,000
22	(do) Grants for preschool to grade 5				
23	programs	GPR	A	7,353,700	7,353,700
24	(eh) Head start supplement	GPR	A	3,712,500	3,712,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(em) Driver education; local assistance	GPR	A	4,345,600	4,304,700
2	(es) Grants for consolidation and				
3	coordination studies	GPR	A	-0-	50,000
4	(fg) Aid for cooperative educational				
5	service agencies	GPR	A	300,000	300,000
6	(fh) Grants for cooperative educational				
7	service agencies	GPR	A	-0-	850,000
8	(fj) School performance grants	GPR	A	-0-	-0-
9	(fk) Grant program for peer review and				
10	mentoring	GPR	A	500,000	500,000
11	(fm) Charter schools	GPR	S	13,428,600	18,723,400
12	(fr) Grants for school decentralization				
13	plans	GPR	A	-0-	600,000
14	(fs) Grants for training school				
15	administrators	GPR	A	-0-	1,500,000
16	(fu) Milwaukee parental choice program	GPR	S	58,679,700	68,331,700
17	(fz) Charter school development loans	GPR	C	-0-	1,000,000
18	(g) Charter school development loans;				
19	repayments	PR	C	-0-	-0-
20	(k) Funds transferred from other state				
21	agencies; local aids	PR-S	C	8,352,600	8,352,600
22	(kd) Aid for alcohol and other drug				
23	abuse programs	PR-S	A	1,498,600	1,498,600
24	(kh) Head start supplement	PR-S	C	3,712,500	3,712,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(km) Alternative school American Indian				
2	language and culture education aid	PR-S	A	220,000	220,000
3	(kp) Aid to Milwaukee public schools;				
4	federal block grant aids	PR-S	A	1,410,000	1,410,000
5	(m) Federal aids; local aid	PR-F	C	358,167,700	357,367,700
6	(s) School library aids	SEG	C	27,000,000	28,500,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,625,948,400	4,822,848,400
	PROGRAM REVENUE			373,361,400	372,561,400
	FEDERAL			(358,167,700)	(357,367,700)
	OTHER			(-0-)	(-0-)
	SERVICE			(15,193,700)	(15,193,700)
	SEGREGATED FUNDS			27,000,000	28,500,000
	OTHER			(27,000,000)	(28,500,000)
	TOTAL-ALL SOURCES			5,026,309,800	5,223,909,800
7	(3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS				
8	(c) National teacher certification	GPR	S	215,000	340,000
9	(d) Elks and Easter Seals center for				
10	respite and recreation	GPR	A	50,000	50,000
11	(e) Aid to public library systems	GPR	A	14,749,800	14,749,800
12	(ea) Library service contracts	GPR	A	1,047,300	1,047,300
13	(eg) Milwaukee public museum	GPR	A	50,000	50,000
14	(fa) Very special arts	GPR	A	75,000	75,000
15	(fg) Special olympics	GPR	A	75,000	75,000
16	(fz) Minority group pupil scholarships	GPR	A	1,525,000	1,525,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(L) Periodical and reference				
2	information databases; funds				
3	received	PR	C	73,500	150,200
4	(mm) Federal funds; local assistance	PR-F	C	1,210,200	1,210,200
5	(ms) Federal funds; individuals and				
6	organizations	PR-F	C	38,394,500	38,394,500
7	(q) Periodical and reference				
8	information databases	SEG	A	1,700,000	1,700,000
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			17,787,100	17,912,100
	PROGRAM REVENUE			39,678,200	39,754,900
	FEDERAL			(39,604,700)	(39,604,700)
	OTHER			(73,500)	(150,200)
	SEGREGATED FUNDS			1,700,000	1,700,000
	OTHER			(1,700,000)	(1,700,000)
	TOTAL-ALL SOURCES			59,165,300	59,367,000
	20.255 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			4,676,685,600	4,863,855,200
	PROGRAM REVENUE			462,843,200	459,746,500
	FEDERAL			(419,638,200)	(418,197,800)
	OTHER			(21,234,000)	(21,444,300)
	SERVICE			(21,971,000)	(20,104,400)
	SEGREGATED FUNDS			28,700,000	30,200,000
	OTHER			(28,700,000)	(30,200,000)
	TOTAL-ALL SOURCES			5,168,228,800	5,353,801,700
9	20.275 Technology for educational achievement in Wisconsin board				
10	(1) EDUCATIONAL TECHNOLOGY				
11	(a) General program operations	GPR	A	663,100	639,700
12	(d) Pioneering partners grants	GPR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(er) Principal, interest & rebates;				
2	general purpose rev. - public				
3	library boards	GPR	S	259,800	610,600
4	(es) Principal, interest and rebates;				
5	general purpose revenue - schools	GPR	S	3,663,100	5,419,900
6	(et) Educational technology training &				
7	technical assistance grants	GPR	B	4,000,000	4,000,000
8	(f) Educational technology block				
9	grants	GPR	A	35,000,000	35,000,000
10	(g) Gifts and grants	PR	C	52,700	52,700
11	(h) Principal, interest and rebates;				
12	program revenue - schools	PR	C	2,418,300	2,421,800
13	(hb) Principal, interest & rebates;				
14	program revenue - public library				
15	boards	PR	C	23,800	23,800
16	(k) Funds received from other state				
17	agencies	PR-S	C	634,300	68,100
18	(L) Equipment purchases and leases	PR	C	-0-	-0-
19	(m) Federal aid	PR-F	C	1,264,000	764,000
20	(s) Telecommunications access; school				
21	districts; grant	SEG	B	8,505,300	7,475,700
22	(t) Telecommunications access; private				
23	and technical colleges and libraries	SEG	B	3,978,000	4,670,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(tm) Telecommunications access; private				
2	schools	SEG	B	908,100	1,240,600
3	(tu) Telecommunications access; state				
4	schools	SEG	B	64,900	70,000
5	(tw) Telecommunications access; secured				
6	correctional facilities	SEG	B	251,100	233,400
2 0 . 2 7 5 D E P A R T M E N T T O T A L S					
	GENERAL PURPOSE REVENUES			43,586,000	45,670,200
	PROGRAM REVENUE			4,393,100	3,330,400
	FEDERAL			(1,264,000)	(764,000)
	OTHER			(2,494,800)	(2,498,300)
	SERVICE			(634,300)	(68,100)
	SEGREGATED FUNDS			13,707,400	13,689,700
	OTHER			(13,707,400)	(13,689,700)
	TOTAL-ALL SOURCES			61,686,500	62,690,300
7	20.285 University of Wisconsin system				
8	(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
9	(a) General program operations	GPR	A	828,624,600	833,337,000
10	(ab) Student aid	GPR	A	1,347,400	1,347,400
11	(am) Distinguished professorships	GPR	A	759,100	759,100
12	(as) Industrial and economic				
13	development research	GPR	A	1,602,400	1,602,400
14	(b) Area health education centers	GPR	A	1,158,200	1,158,200
15	(bm) Fee remissions	GPR	A	30,000	30,000
16	(c) Energy costs	GPR	A	54,065,000	52,082,300
17	(cg) Driver education teachers	GPR	C	61,900	61,900
18	(cm) Educational technology	GPR	A	6,483,400	6,483,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(d) Principal repayment and interest	GPR	S	91,158,500	85,525,100
2	(da) Lease rental payments	GPR	S	-0-	-0-
3	(db) Self-amortizing facilities principal				
4	and interest	GPR	S	-0-	-0-
5	(ee) Environmental educational grants	GPR	A	200,000	200,000
6	(em) Schools of business	GPR	A	1,557,100	1,557,100
7	(eo) Extension outreach	GPR	A	337,800	337,800
8	(ep) Extension local planning program	GPR	A	84,000	84,000
9	(er) Grants for study abroad	GPR	A	1,000,000	1,000,000
10	(fc) Department of family medicine and				
11	practice	GPR	A	7,863,900	7,863,900
12	(fd) State laboratory of hygiene; general				
13	program operations	GPR	A	7,671,300	7,671,300
14	(fh) State laboratory of hygiene;				
15	principal repayment and interest	GPR	S	-0-	-0-
16	(fj) Veterinary diagnostic laboratory	GPR	A	4,355,400	4,355,400
17	(fm) Laboratories	GPR	A	4,217,300	4,217,300
18	(fs) Farm safety program grants	GPR	A	20,000	20,000
19	(ft) Wisconsin humanities council	GPR	A	75,000	75,000
20	(fx) Alcohol and other drug abuse				
21	prevention and intervention	GPR	A	57,800	57,800
22	(g) Physical plant service departments	PR	C	355,000	355,000
23	(ga) Surplus auxiliary funds	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(gr) Center for urban land economics				
2	research	PR	A	175,000	175,000
3	(h) Auxiliary enterprises	PR	C	425,665,300	443,500,500
4	(ha) Stores	PR	C	3,402,800	3,402,800
5	(hm) Extension outreach	PR	C	130,000	130,000
6	(hp) Contract services to broadcasting				
7	corporation	PR	C	-0-	-0-
8	(i) State laboratory of hygiene	PR	C	18,475,100	18,475,100
9	(ia) State laboratory of hygiene, drivers	PR	C	1,011,800	1,163,800
10	(ih) State laboratory of hygiene;				
11	principal repayment and interest	PR	S	-0-	-0-
12	(im) Academic student fees	PR	C	507,192,000	515,871,000
13	(ip) Extension student fees	PR	C	11,961,600	11,961,600
14	(ir) Academic fees and tuition;				
15	supplemental	PR	C	-0-	-0-
16	(iz) General operations receipts	PR	C	80,473,600	81,324,600
17	(j) Gifts and donations	PR	C	323,015,200	348,906,400
18	(ja) Gifts; student loans	PR	C	5,457,600	5,457,600
19	(je) Veterinary diagnostic laboratory;				
20	fees	PR	C	2,667,200	2,669,600
21	(jm) Distinguished professorships	PR	C	384,200	384,200
22	(jp) License plate scholarship programs	PR	C	126,500	126,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(k) Funds transferred from other state				
2	agencies	PR-S	C	7,250,000	-0-
3	(ka) Sale of real property	PR	C	-0-	-0-
4	(kb) Great Lakes studies	PR-S	A	33,100	33,100
5	(kd) Principal repayment, interest and				
6	rebates	PR-S	S	30,408,200	32,339,100
7	(ke) Lease rental payments	PR-S	S	-0-	-0-
8	(kf) Outdoors skills training	PR-S	A	46,100	46,100
9	(kg) Veterinary diagnostic laboratory;				
10	state agencies	PR	C	37,100	37,100
11	(km) Aquaculture demonstration facility;				
12	principal repayment and interest	PR-S	A	-0-	-0-
13	(kn) Aquaculture demonstration facility;				
14	operational costs	PR-S	A	-0-	300,000
15	(kp) Student-related activities	PR-S	C	-0-	-0-
16	(kr) University of Wisconsin center for				
17	tobacco research and intervention	PR-S	C	1,000,000	1,000,000
18	(kv) Stray voltage research	PR-S	C	175,000	175,000
19	(Lm) Laboratories	PR	A	4,405,400	4,405,400
20	(Ls) Schools of business	PR	A	607,900	607,900
21	(m) Federal aid	PR-F	C	364,450,900	364,450,900
22	(ma) Federal aid; loans and grants	PR-F	C	199,534,900	199,534,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(n) Federal indirect cost				
2	reimbursement	PR-F	C	72,445,900	72,445,900
3	(q) Telecommunications services	SEG	A	1,054,800	1,054,800
4	(qm) Grants to forestry cooperatives	SEG	A	50,000	50,000
5	(r) Environmental education;				
6	environmental assessments	SEG	C	30,000	30,000
7	(rc) Environmental education; forestry	SEG	A	200,000	200,000
8	(tb) Extension recycling education	SEG	A	-0-	-0-
9	(tm) Solid waste research and				
10	experiments	SEG	A	-0-	-0-
11	(u) Trust fund income	SEG	C	23,760,100	23,760,100
12	(w) Trust fund operations	SEG	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,012,730,100	1,009,826,400
	PROGRAM REVENUE			2,060,887,400	2,109,279,100
	FEDERAL			(636,431,700)	(636,431,700)
	OTHER			(1,385,543,300)	(1,438,954,100)
	SERVICE			(38,912,400)	(33,893,300)
	SEGREGATED FUNDS			25,094,900	25,094,900
	OTHER			(25,094,900)	(25,094,900)
	TOTAL-ALL SOURCES			3,098,712,400	3,144,200,400
13	(3) UNIVERSITY SYSTEM ADMINISTRATION				
14	(a) General program operations	GPR	A	10,199,700	10,199,700
15	(iz) General operations receipts	PR	C	143,700	143,700
16	(n) Federal indirect cost				
17	reimbursement	PR-F	C	1,370,800	1,370,800
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			10,199,700	10,199,700
	PROGRAM REVENUE			1,514,500	1,514,500

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
FEDERAL			(1,370,800)	(1,370,800)
OTHER			(143,700)	(143,700)
TOTAL-ALL SOURCES			11,714,200	11,714,200
1 (4) MINORITY AND DISADVANTAGED PROGRAMS				
2 (a) Minority and disadvantaged				
3 programs	GPR	A	9,788,400	9,788,400
4 (b) Graduate student financial aid	GPR	A	4,309,400	4,309,400
5 (dd) Lawton minority undergraduate				
6 grants program	GPR	A	2,638,000	2,638,000
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			16,735,800	16,735,800
TOTAL-ALL SOURCES			16,735,800	16,735,800
7 (5) UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				
8 (a) General program operations	GPR	A	705,700	705,700
9 (h) Auxiliary enterprises	PR	A	41,426,300	40,650,900
10 (i) Nonincome sports	PR	C	312,400	325,100
11 (j) Gifts and grants	PR	C	3,763,600	4,405,600
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			705,700	705,700
PROGRAM REVENUE			45,502,300	45,381,600
OTHER			(45,502,300)	(45,381,600)
TOTAL-ALL SOURCES			46,208,000	46,087,300
12 (6) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY				
13 (a) Services received from authority	GPR	A	4,174,700	4,174,700
14 (g) Services provided to authority	PR	C	36,000,000	36,000,000
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,174,700	4,174,700
PROGRAM REVENUE			36,000,000	36,000,000

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
OTHER			(36,000,000)	(36,000,000)
TOTAL-ALL SOURCES			40,174,700	40,174,700
20.285 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,044,546,000	1,041,642,300
PROGRAM REVENUE			2,143,904,200	2,192,175,200
FEDERAL			(637,802,500)	(637,802,500)
OTHER			(1,467,189,300)	(1,520,479,400)
SERVICE			(38,912,400)	(33,893,300)
SEGREGATED FUNDS			25,094,900	25,094,900
OTHER			(25,094,900)	(25,094,900)
TOTAL-ALL SOURCES			3,213,545,100	3,258,912,400

1	20.292 Technical college system, board of				
2	(1) TECHNICAL COLLEGE SYSTEM				
3	(a) General program operations	GPR	A	3,487,100	3,487,100
4	(am) Fee remissions	GPR	A	15,000	15,000
5	(b) Displaced homemakers' program	GPR	A	851,700	851,700
6	(bm) Workplace literacy resource center	GPR	A	-0-	-0-
7	(c) Minority student participation and				
8	retention grants	GPR	A	617,000	617,000
9	(ce) Basic skills grants	GPR	A	-0-	-0-
10	(cm) Capacity building program	GPR	A	3,000,000	2,000,000
11	(d) State aid for technical colleges;				
12	statewide guide	GPR	A	118,415,000	118,415,000
13	(dc) Incentive grants	GPR	C	7,888,100	7,888,100
14	(dd) Farm training program tuition				
15	grants	GPR	A	150,000	150,000
16	(de) Services for handicapped students;				
17	local assistance	GPR	A	400,000	400,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(dm) Aid for special collegiate transfer				
2	programs	GPR	A	1,124,300	1,124,300
3	(e) Technical college instructor				
4	occupational competency program	GPR	A	71,300	71,300
5	(ec) Milwaukee enterprise center	GPR	A	-0-	-0-
6	(eg) Faculty development grants	GPR	A	832,000	832,000
7	(em) Apprenticeship curriculum				
8	development	GPR	A	75,000	75,000
9	(ep) Grants to students	GPR	A	7,000,000	8,100,000
10	(er) Grants for additional course				
11	sections	GPR	A	2,200,000	2,200,000
12	(f) Alcohol and other drug abuse				
13	prevention and intervention	GPR	A	525,000	525,000
14	(fc) Driver education, local assistance	GPR	A	322,000	322,000
15	(fg) Chauffeur training grants	GPR	C	200,000	200,000
16	(fm) Supplemental aid	GPR	A	1,500,000	1,500,000
17	(fp) Emergency medical technician -				
18	basic training; state operations	GPR	A	-0-	-0-
19	(g) Text materials	PR	A	123,000	123,000
20	(gm) Fire schools; state operations	PR	A	284,200	284,200
21	(gr) Fire schools; local assistance	PR	A	500,000	500,000
22	(gt) Telecommunications retraining	PR	C	-0-	-0-
23	(h) Gifts and grants	PR	C	20,600	20,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(i) Conferences	PR	C	85,900	85,900
2	(j) Personnel certification	PR	A	204,000	204,000
3	(k) Gifts and grants	PR	C	30,200	30,200
4	(ka) Interagency projects; local				
5	assistance	PR-S	A	3,414,700	3,414,700
6	(kb) Interagency projects; state				
7	operations	PR-S	A	776,100	776,100
8	(km) Internet courses	PR-S	C	1,000,000	1,000,000
9	(L) Services for district boards	PR	A	156,900	156,900
10	(m) Federal aid, state operations	PR-F	C	3,046,100	3,046,100
11	(n) Federal aid, local assistance	PR-F	C	26,674,300	26,674,300
12	(o) Federal aid, aids to individuals and				
13	organizations	PR-F	C	800,000	800,000
14	(pz) Indirect cost reimbursements	PR-F	C	196,000	196,000
15	(q) Agricultural education consultant	GPR	A	60,500	60,500

20.292 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	148,734,000	148,834,000
PROGRAM REVENUE	37,312,000	37,312,000
FEDERAL	(30,716,400)	(30,716,400)
OTHER	(1,404,800)	(1,404,800)
SERVICE	(5,190,800)	(5,190,800)
TOTAL-ALL SOURCES	186,046,000	186,146,000

Education**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	6,006,577,600	6,192,893,800
PROGRAM REVENUE	2,668,076,500	2,712,427,300
FEDERAL	(1,092,955,400)	(1,091,153,700)
OTHER	(1,504,839,100)	(1,558,440,000)
SERVICE	(70,282,000)	(62,833,600)
SEGREGATED FUNDS	68,104,200	69,586,500
FEDERAL	(-0-)	(-0-)

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
OTHER			(68,104,200)	(69,586,500)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			8,742,758,300	8,974,907,600

Environmental Resources**1 20.315 Boundary area commission, Minnesota-Wisconsin**

2 (1) BOUNDARY AREA COOPERATION

3 (q) General program operations —

4 conservation fund SEG A 193,600 199,400

20.315 DEPARTMENT TOTALS

SEGREGATED FUNDS 193,600 199,400

OTHER (193,600) (199,400)

TOTAL-ALL SOURCES 193,600 199,400

5 20.320 Environmental improvement program

6 (1) CLEAN WATER FUND PROGRAM OPERATIONS

7 (a) Environmental aids — clean water

8 fund program GPR A -0- -0-

9 (c) Principal repayment and

10 interest — clean water fund

11 program GPR S 29,162,700 33,030,200

12 (r) Clean water fund program

13 repayment of revenue obligations SEG S -0- -0-

14 (s) Clean water fund program financial

15 assistance SEG S -0- -0-

16 (sm) Land recycling loan program

17 financial assistance SEG S -0- -0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(t) Principal repayment and				
2	interest — clean water fund				
3	program bonds	SEG	A	6,000,000	6,000,000
4	(u) Principal repay. & interest - clean				
5	water fd. prog. rev. obligation repay.	SEG	C	-0-	-0-
6	(x) Clean water fund program financial				
7	assistance; federal	SEG-F	C	-0-	-0-
8	(y) Clean water fund program federal				
9	financial hardship assistance	SEG-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			29,162,700	33,030,200
	SEGREGATED FUNDS			6,000,000	6,000,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(6,000,000)	(6,000,000)
	TOTAL-ALL SOURCES			35,162,700	39,030,200
10	(2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS				
11	(c) Principal repayment and				
12	interest — safe drinking water loan				
13	program	GPR	S	1,625,700	2,117,800
14	(s) Safe drinking water loan programs				
15	financial assistance	SEG	S	-0-	-0-
16	(x) Safe drinking water loan programs				
17	financial assistance; federal	SEG-F	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,625,700	2,117,800
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,625,700	2,117,800

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(3) PRIVATE SEWAGE SYSTEM PROGRAM				
2	(q) Private sewage system loans	SEG	C	-0-	-0-
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.320 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			30,788,400	35,148,000
	SEGREGATED FUNDS			6,000,000	6,000,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(6,000,000)	(6,000,000)
	TOTAL-ALL SOURCES			36,788,400	41,148,000
3	20.360 Lower Wisconsin state riverway board				
4	(1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY				
5	(g) Gifts and grants	PR	C	-0-	-0-
6	(q) General program operations —				
7	conservation fund	SEG	A	153,800	153,800
	20.360 DEPARTMENT TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			153,800	153,800
	OTHER			(153,800)	(153,800)
	TOTAL-ALL SOURCES			153,800	153,800
8	20.370 Natural resources, department of				
9	(1) LAND AND FORESTRY				
10	(cq) Forestry — reforestation	SEG	C	100,000	100,000
11	(cr) Forestry — recording fees	SEG	C	50,000	50,000
12	(cs) Forestry — forest fire emergencies	SEG	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ct) Timber sales contracts - repair and				
2	reimbursement costs	SEG	C	-0-	-0-
3	(ea) Parks — general program				
4	operations	GPR	A	5,926,000	5,776,000
5	(eq) Parks and forests - operation and				
6	maintenance	SEG	S	-0-	-0-
7	(er) Parks and forests - recycling				
8	activities	SEG	A	-0-	-0-
9	(fb) Endangered resources — general				
10	program operations	GPR	A	-0-	-0-
11	(fc) Endangered resources — Wisconsin				
12	stewardship program	GPR	A	-0-	-0-
13	(fd) Endangered resources — natural				
14	heritage inventory program	GPR	A	250,500	250,500
15	(fe) Endangered resources — general				
16	fund	GPR	S	500,000	500,000
17	(fs) Endangered resources — voluntary				
18	payments; sales, leases and fees	SEG	C	1,137,800	1,137,800
19	(ft) Endangered resources —				
20	application fees	SEG	C	-0-	-0-
21	(gr) Endangered resources program —				
22	gifts and grants	SEG	C	-0-	-0-
23	(hk) Elk management	PR-S	A	200,600	200,600
24	(hq) Elk hunting fees	SEG	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(hr) Pheasant restoration	SEG	C	486,600	486,600
2	(ht) Wild turkey restoration	SEG	C	212,200	212,200
3	(hu) Wetlands habitat improvement	SEG	C	338,400	338,400
4	(ik) Deer management	PR-S	A	166,000	157,900
5	(it) Atlas revenues	SEG	C	-0-	-0-
6	(iu) Gravel pit reclamation	SEG	C	-0-	-0-
7	(jr) Rental property and equipment —				
8	maintenance and replacement	SEG	C	-0-	-0-
9	(kq) Taxes and assessments —				
10	conservation fund	SEG	A	300,000	300,000
11	(Lk) Wild crane management	PR-S	A	44,700	44,700
12	(Lq) Trapper education program	SEG	C	29,100	29,100
13	(Lr) Beaver control; fish and wildlife				
14	account	SEG	C	36,600	36,600
15	(Ls) Control of wild animals	SEG	C	214,500	214,500
16	(Lt) Wildlife management	SEG	A	153,400	153,400
17	(Lv) Master hunter education program	SEG	C	-0-	-0-
18	(ma) General program operations —				
19	state funds	GPR	A	611,200	611,200
20	(mg) General program operations —				
21	endangered resources	PR	C	-0-	-0-
22	(mi) General program operations —				
23	private and public sources	PR	C	596,700	596,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(mk) General program operations —				
2	service funds	PR-S	C	804,600	804,600
3	(mq) General program operations —				
4	state snowmobile trails and areas	SEG	A	84,400	84,400
5	(ms) General program operations —				
6	state all-terrain vehicle projects	SEG	A	60,000	60,000
7	(mt) Land preservation and				
8	management - endowment fund	SEG	S	-0-	-0-
9	(mu) General program operations —				
10	state funds	SEG	A	-0-	-0-
11	Land program management	SEG	A	4,583,200	4,583,200
12	Wildlife management	SEG	A	9,417,800	9,345,000
13	Forestry	SEG	A	34,023,900	33,838,900
14	Southern forests	SEG	A	4,245,500	4,245,500
15	Parks and recreation	SEG	A	8,497,700	8,647,700
16	Facilities and lands	SEG	A	6,111,000	6,111,000
	NET APPROPRIATION			66,879,100	66,771,300
17	(my) General program operations —				
18	federal funds	SEG-F	C	-0-	-0-
19	Wildlife management	SEG-F	C	3,625,300	3,625,300
20	Forestry	SEG-F	C	651,400	651,400
21	Southern forests	SEG-F	C	127,400	127,400
22	Parks and recreation	SEG-F	C	610,100	610,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	Endangered resources	SEG-F	C	548,100	548,100
2	Facilities and lands	SEG-F	C	1,699,200	1,699,200
	NET APPROPRIATION			7,261,500	7,261,500
3	(mz) Forest fire emergencies — federal				
4	funds	SEG-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			7,287,700	7,137,700
	PROGRAM REVENUE			1,812,600	1,804,500
	OTHER			(596,700)	(596,700)
	SERVICE			(1,215,900)	(1,207,800)
	SEGREGATED FUNDS			77,343,600	77,235,800
	FEDERAL			(7,261,500)	(7,261,500)
	OTHER			(70,082,100)	(69,974,300)
	TOTAL-ALL SOURCES			86,443,900	86,178,000
5	(2) AIR AND WASTE				
6	(bg) Air management — stationary				
7	sources	PR	A	9,849,800	9,849,800
8	(bi) Air management — asbestos				
9	management	PR	C	344,400	344,400
10	(bq) Air management — vapor recovery				
11	administration	SEG	A	71,000	71,000
12	(br) Air management — mobile sources	SEG	A	1,302,900	1,302,900
13	(cf) Air management - motor veh.				
14	emission inspection & maint. prog.,				
15	state funds	GPR	A	68,200	68,200
16	(cg) Air management — recovery of				
17	ozone-depleting refrigerants	PR	A	133,100	133,100

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ch) Air management — emission				
2	analysis	PR	C	-0-	-0-
3	(ci) Air management — permit review				
4	and enforcement	PR	A	1,498,200	1,498,200
5	(cL) Air management - air waste				
6	management-incinerator operator				
7	certification	PR	C	-0-	-0-
8	(dg) Solid waste management — solid				
9	and hazardous waste disposal				
10	administration	PR	C	2,456,800	2,477,500
11	(dh) Solid waste				
12	management-remediated property	PR	C	895,200	895,200
13	(di) Solid waste management —				
14	operator certification	PR	C	-0-	-0-
15	(dq) Solid waste management — waste				
16	management fund	SEG	C	-0-	-0-
17	(dt) Solid waste management — closure				
18	and long-term care	SEG	C	-0-	-0-
19	(du) Solid waste management - site				
20	specific remediation	SEG	C	-0-	-0-
21	(dv) Solid waste management —				
22	environmental repair; spills;				
23	abandoned containers	SEG	C	3,321,300	3,321,300

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(dw) Solid waste management —				
2	environmental repair; petroleum				
3	spills; admin.	SEG	A	294,000	294,000
4	(dy) Solid waste mgt. — corrective				
5	action; proofs of financial				
6	responsibility	SEG	C	-0-	-0-
7	(dz) Solid waste management -				
8	assessments and legal action	SEG	C	-0-	-0-
9	(eg) Solid waste facility siting board fee	PR	C	-0-	-0-
10	(eh) Solid waste management — source				
11	reduction review	PR	C	-0-	-0-
12	(eq) Solid waste management - dry				
13	cleaner environmental response	SEG	A	124,600	124,600
14	(fq) Indemnification agreements	SEG	S	-0-	-0-
15	(gh) Mining — mining regulation and				
16	administration	PR	A	320,500	320,500
17	(gr) Solid waste management — mining				
18	programs	SEG	C	-0-	-0-
19	(hq) Recycling; administration	SEG	A	414,500	400,900
20	(ma) General program operations —				
21	state funds	GPR	A	3,078,800	3,078,800
22	(mi) General program operations —				
23	private and public sources	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(mk) General program operations —				
2	service funds	PR-S	C	100,000	100,000
3	(mm) General program operations —				
4	federal funds	PR-F	C	5,942,000	5,868,000
5	(mq) General program operations -				
6	environmental fund	SEG	A	4,153,100	4,146,200
7	(mu) Petroleum inspection fd. suppl. to				
8	env. fd.; env. repair and well comp.	SEG	A	1,049,400	1,049,400
9	(my) General program operations —				
10	environmental fund; federal funds	SEG-F	C	741,400	729,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,147,000	3,147,000
	PROGRAM REVENUE			21,540,000	21,486,700
	FEDERAL			(5,942,000)	(5,868,000)
	OTHER			(15,498,000)	(15,518,700)
	SERVICE			(100,000)	(100,000)
	SEGREGATED FUNDS			11,472,200	11,439,300
	FEDERAL			(741,400)	(729,000)
	OTHER			(10,730,800)	(10,710,300)
	TOTAL-ALL SOURCES			36,159,200	36,073,000
11	(3) ENFORCEMENT AND SCIENCE				
12	(ad) Law enforcement - car killed deer;				
13	general fund	GPR	A	314,600	314,600
14	(ak) Law enforcement - snowmobile				
15	enforcement and safety training;				
16	service funds	PR-S	A	813,900	817,900
17	(aq) Law enforcement — snowmobile				
18	enforcement and safety training	SEG	A	324,400	308,200

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ar) Law enforcement — boat				
2	enforcement and safety training	SEG	A	2,231,200	2,241,500
3	(as) Law enforcement — all-terrain				
4	vehicle enforcement	SEG	A	236,000	236,700
5	(at) Education and safety programs	SEG	C	226,000	226,000
6	(aw) Law enforcement — car kill deer	SEG	A	347,100	379,600
7	(bg) Enforcement — stationary sources	PR	A	81,800	81,800
8	(dg) Environmental impact —				
9	consultant services; printing and				
10	postage costs	PR	C	-0-	-0-
11	(dh) Environmental impact — power				
12	projects	PR	C	27,100	27,100
13	(di) Environmental consulting costs —				
14	federal power projects	PR	A	-0-	-0-
15	(fj) Environmental quality - lab.				
16	certification	PR	A	572,200	572,200
17	(is) Lake research; voluntary				
18	contributions	SEG	C	70,000	70,000
19	(ma) General program operations —				
20	state funds	GPR	A	5,332,800	5,332,800
21	(mi) General program operations —				
22	private and public sources	PR	C	386,900	386,900
23	(mk) General program operations —				
24	service funds	PR-S	C	518,500	518,500

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(mm) General program operations —				
2	federal funds	PR-F	C	420,300	420,300
3	(mq) General program operations —				
4	environmental fund	SEG	A	1,170,800	1,170,800
5	(mr) Recycling; enforcement and				
6	research	SEG	A	111,700	111,700
7	(ms) General program operations -				
8	pollution prevention	SEG	A	58,800	58,800
9	(mu) General program operations —				
10	state funds	SEG	A	17,020,400	16,947,900
11	(mv) Aquatic and terrestrial resources				
12	inventory	SEG	A	129,800	129,800
13	(my) General program operations —				
14	federal funds	SEG-F	C	5,584,400	5,598,600
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,647,400	5,647,400
	PROGRAM REVENUE			2,820,700	2,824,700
	FEDERAL			(420,300)	(420,300)
	OTHER			(1,068,000)	(1,068,000)
	SERVICE			(1,332,400)	(1,336,400)
	SEGREGATED FUNDS			27,510,600	27,479,600
	FEDERAL			(5,584,400)	(5,598,600)
	OTHER			(21,926,200)	(21,881,000)
	TOTAL-ALL SOURCES			35,978,700	35,951,700
15	(4) WATER				
16	(ab) Water resources - trading water				
17	pollution credits	GPR	C	50,000	50,000
18	(ac) Watershed - nonpoint source				
19	contracts	GPR	B	1,079,300	1,079,300

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(af) Water resources - remedial action	GPR	C	150,000	150,000
2	(ag) Water resources - pollution credits	PR	C	-0-	-0-
3	(ah) Water resources - Great Lakes				
4	protection fund	PR	C	229,000	229,000
5	(aq) Water resources management -				
6	lake and river management	SEG	A	2,602,900	2,840,200
7	(ar) Water resources - groundwater				
8	management	SEG	B	125,000	125,000
9	(au) Cooperative remedial action;				
10	contributions	SEG	C	-0-	-0-
11	(av) Cooperative remedial action;				
12	interest on contributions	SEG	S	-0-	-0-
13	(bg) Water regulation and zoning -				
14	computer access fees	PR	C	50,000	50,000
15	(bh) Water regulation and zoning - dam				
16	inspect. and safety administ.; gen.				
17	fund	PR	A	-0-	-0-
18	(bi) Water regulation and zoning - fees	PR	C	714,800	714,800
19	(bj) Storm water management - fees	PR	A	683,100	708,100
20	(bL) Wastewater management - fees	PR	C	232,400	232,400
21	(br) Water reg. & zoning — dam safety				
22	& wetland mapping; conservation				
23	fund	SEG	A	551,700	551,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kk) Fishery resources for ceded				
2	territories	PR-S	A	114,500	114,500
3	(ku) Great Lakes trout and salmon	SEG	C	1,150,400	1,150,400
4	(kv) Trout habitat improvement	SEG	C	1,156,000	1,156,000
5	(ma) General program operations - state				
6	funds	GPR	A	-0-	-0-
7	Watershed management	GPR	A	7,737,100	7,737,100
8	Fisheries management and habitat				
9	protection	GPR	A	3,359,900	3,359,900
10	Drinking water and groundwater	GPR	A	3,588,100	3,588,100
11	Water integration team	GPR	A	440,200	440,200
12	Water program management	GPR	A	2,705,000	2,705,000
	NET APPROPRIATION			17,830,300	17,830,300
13	(mi) General program operations -				
14	private and public sources	PR	C	48,500	48,500
15	(mk) General program operations —				
16	service funds	PR-S	C	381,800	381,800
17	(mm) General program operations -				
18	federal funds	PR-F	C	-0-	-0-
19	Watershed management	PR-F	C	4,198,900	4,198,900
20	Fisheries management and habitat				
21	protection	PR-F	C	515,600	515,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	Drinking water and groundwater	PR-F	C	3,530,600	3,530,600
	NET APPROPRIATION			8,245,100	8,245,100
2	(mq) General program operations -				
3	environmental fund	SEG	A	-0-	-0-
4	Watershed management	SEG	A	626,600	626,600
5	Drinking water and groundwater	SEG	A	1,567,400	1,567,400
6	Water integration team	SEG	A	68,600	68,600
7	Water program management	SEG	A	70,800	70,800
	NET APPROPRIATION			2,333,400	2,333,400
8	(mt) General program				
9	operations-environmental				
10	improvement programs; state funds	SEG	A	530,800	530,800
11	(mu) General program operations - state				
12	funds	SEG	A	14,317,700	14,345,000
13	(mw) Petroleum inspection fund				
14	supplement to env. fund;				
15	groundwater management	SEG	A	766,900	766,900
16	(mx) General program operations - clean				
17	water fund program; federal funds	SEG-F	C	607,200	600,300
18	(my) General program operations -				
19	environmental fund - federal funds	SEG-F	C	-0-	-0-
20	(mz) General program operations -				
21	federal funds	SEG-F	C	3,375,700	3,260,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(nz) General program operations-safe				
2	drinking water loan programs;				
3	federal funds	SEG-F	C	216,600	216,600
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			19,109,600	19,109,600
	PROGRAM REVENUE			10,699,200	10,724,200
	FEDERAL			(8,245,100)	(8,245,100)
	OTHER			(1,957,800)	(1,982,800)
	SERVICE			(496,300)	(496,300)
	SEGREGATED FUNDS			27,734,300	27,876,400
	FEDERAL			(4,199,500)	(4,077,000)
	OTHER			(23,534,800)	(23,799,400)
	TOTAL-ALL SOURCES			57,543,100	57,710,200
4	(5) CONSERVATION AIDS				
5	(ac) Resource aids - Milwaukee public				
6	museum	GPR	A	-0-	-0-
7	(aq) Resource aids - Canadian agencies				
8	migratory waterfowl aids	SEG	C	169,200	169,200
9	(ar) Resource aids - county				
10	conservation aids	SEG	C	150,000	150,000
11	(as) Recreation aids - fish, wildlife, and				
12	forestry recreation aids	SEG	C	234,500	234,500
13	(at) Ice age trail area grants	SEG	A	75,000	75,000
14	(au) Resource aids - Ducks Unlimited,				
15	Inc. payments	SEG	C	-0-	-0-
16	(av) Resource aids - private forest				
17	grants	SEG	B	1,250,000	1,250,000
18	(aw) Resource aids - nonprofit				
19	conservation organizations	SEG	C	235,000	235,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ay) Resource aids - urban land				
2	conservation	SEG	A	75,000	75,000
3	(bq) Resource aids - county forest loans;				
4	severance share payments	SEG	C	-0-	-0-
5	(br) Resource aids - forest croplands				
6	and managed forest land aids	SEG	A	1,250,000	1,250,000
7	(bs) Resource aids - county forest loans	SEG	A	622,400	622,400
8	(bt) Resource aids - county forest				
9	project loans	SEG	C	400,000	400,000
10	(bu) Resource aids - county forest				
11	project loans; severance share				
12	payments	SEG	C	-0-	-0-
13	(bv) Res. aids - county forests, forest				
14	croplands and managed forest land				
15	aids	SEG	S	1,248,400	1,248,400
16	(bw) Resource aids - urban forestry and				
17	county forest administrator grants	SEG	A	1,526,900	1,624,900
18	(bx) Resource aids - national forest				
19	income aids	PR-F	C	782,200	782,200
20	(by) Resource aids - fire suppression				
21	grants	SEG	A	448,000	448,000
22	(cb) Recreation aids - snowmobile trail				
23	and area aids; general fund	GPR	A	125,000	125,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(cq) Recreation aids - recreational				
2	boating and other projects	SEG	C	4,547,000	4,547,000
3	(cr) Recreation aids - county				
4	snowmobile trail and area aids	SEG	C	3,401,400	3,501,400
5	(cs) Recreation aids - snowmobile trail				
6	areas	SEG	C	4,228,400	4,436,900
7	(ct) Recreation aids - all-terrain				
8	vehicle project aids; gas tax				
9	payment	SEG	C	788,300	827,200
10	(cu) Recreation aids — all-terrain				
11	vehicle project aids	SEG	C	500,300	500,300
12	(cv) Recreation aids — motorcycle				
13	recreation aids; trails	SEG	A	100,000	100,000
14	(cw) Recreation aids - supplemental				
15	snowmobile trail aids	SEG	C	459,000	459,000
16	(cy) Recreation and resource aids,				
17	federal funds	SEG-F	C	510,900	510,900
18	(da) Aids in lieu of taxes	GPR	S	3,300,000	3,300,000
19	(dq) Aids in lieu of taxes	SEG	S	871,600	871,600
20	(dx) Resource aids — payment in lieu of				
21	taxes; federal	PR-F	C	440,000	440,000
22	(ea) Enforcement aids — spearfishing				
23	enforcement	GPR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ek) Enforcement aids - snowmobile				
2	enforcement; service funds	PR-S	A	100,000	100,000
3	(eq) Enforcement aids — boating				
4	enforcement	SEG	A	1,400,000	1,400,000
5	(er) Enforcement aids — all-terrain				
6	vehicle enforcement	SEG	A	70,000	70,000
7	(es) Enforcement aids — snowmobiling				
8	enforcement	SEG	A	400,000	400,000
9	(ex) Enforcement aids — federal funds	SEG-F	C	-0-	-0-
10	(fq) Wildlife damage claims and				
11	abatement	SEG	C	2,187,700	2,187,700
12	(fr) Wildlife abatement and control				
13	grants	SEG	B	25,000	25,000
14	(ft) Venison processing; voluntary				
15	contributions	SEG	C	-0-	-0-
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,425,000	3,425,000
	PROGRAM REVENUE			1,322,200	1,322,200
	FEDERAL			(1,222,200)	(1,222,200)
	SERVICE			(100,000)	(100,000)
	SEGREGATED FUNDS			27,174,000	27,619,400
	FEDERAL			(510,900)	(510,900)
	OTHER			(26,663,100)	(27,108,500)
	TOTAL-ALL SOURCES			31,921,200	32,366,600
16	(6) ENVIRONMENTAL AIDS				
17	(aa) Environmental aids - non-point				
18	source	GPR	B	883,600	883,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ac) Environmental aids - river				
2	protection	GPR	A	150,000	150,000
3	(ag) Environmental aids - nonpoint				
4	repayments	PR	C	-0-	-0-
5	(ar) Environmental aids - lake				
6	protection	SEG	C	2,675,400	2,675,400
7	(av) Environmental aids - river				
8	protection; conservation fund	SEG	A	150,000	150,000
9	(aw) Environmental aids - river				
10	protection; nonprofit organization				
11	contracts	SEG	C	75,000	75,000
12	(ba) Environmental aids — dump				
13	closure cost share	GPR	C	1,247,700	1,247,700
14	(bj) Environmental aids — waste				
15	reduction and recycling grants and				
16	gifts	PR	C	-0-	-0-
17	(br) Environmental aids - waste				
18	reduction and recycling				
19	demonstration grants	SEG	C	500,000	500,000
20	(bs) Environmental aids - household				
21	hazardous waste	SEG	A	150,000	150,000
22	(bt) Regional recycling grants	SEG	A	-0-	2,000,000
23	(bu) Financial assistance for responsible				
24	units	SEG	A	14,000,000	13,500,000

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ca) Environmental aids - scenic urban				
2	waterways	GPR	C	-0-	-0-
3	(cm) Environmental aids - federal funds	PR-F	C	-0-	-0-
4	(cr) Environmental aids - compensation				
5	for well contamination	SEG	C	400,000	400,000
6	(da) Environmental planning aids -				
7	local water quality planning	GPR	A	283,400	283,400
8	(db) Environmental aids - urban				
9	nonpoint source	GPR	B	2,000,000	2,000,000
10	(dk) Environmental aids - Oneida				
11	nation; Indian gaming	PR-S	A	120,000	120,000
12	(dm) Environmental planning aids -				
13	federal funds	PR-F	C	260,600	260,600
14	(eq) Environmental aids - dry cleaner				
15	environmental response	SEG	B	1,050,000	1,050,000
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,564,700	4,564,700
	PROGRAM REVENUE			380,600	380,600
	FEDERAL			(260,600)	(260,600)
	OTHER			(-0-)	(-0-)
	SERVICE			(120,000)	(120,000)
	SEGREGATED FUNDS			19,000,400	20,500,400
	OTHER			(19,000,400)	(20,500,400)
	TOTAL-ALL SOURCES			23,945,700	25,445,700
16	(7) DEBT SERVICE AND DEVELOPMENT				
17	(aa) Resource acquisition and				
18	development - principal repayment				
19	and interest	GPR	S	21,481,500	30,177,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ac) Principal repayment and interest -				
2	recreational boating bonds	GPR	S	-0-	-0-
3	(ag) Land acquisiton; principal				
4	repayment and interest	PR	C	-0-	-0-
5	(aq) Resource acquisition and				
6	development - principal repayment				
7	and interest	SEG	S	236,800	232,600
8	(ar) Dam repair and removal - principal				
9	repayment and interest	SEG	S	335,400	387,700
10	(at) Recreation development - principal				
11	repayment and interest	SEG	S	-0-	-0-
12	(au) State forest acquisition and				
13	development — principal				
14	repayment and interest	SEG	A	8,000,000	4,000,000
15	(ba) Debt service - remedial action	GPR	S	2,428,500	2,796,800
16	(ca) Principal repayment and interest -				
17	nonpoint source grants	GPR	S	3,363,600	3,794,500
18	(cb) Principal repayment and interest -				
19	pollution abatement bonds	GPR	S	64,613,300	59,598,500
20	(cc) Principal repay. and int. - combined				
21	sewer overflow; pollution abat.				
22	bonds	GPR	S	17,316,300	17,159,800
23	(cd) Principal repayment and interest -				
24	municipal clean drinking water				
25	grants	GPR	S	845,900	830,800

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ce) Principal repayment and interest -				
2	nonpoint source compliance	GPR	S	140,800	141,500
3	(cf) Principal repayment and interest -				
4	urban nonpoint source cost-sharing	GPR	S	443,300	671,400
5	(ea) Administrative facilities - principal				
6	repayment and interest	GPR	S	589,500	688,200
7	(eq) Administrative facilities - principal				
8	repayment and interest	SEG	S	1,586,800	1,834,700
9	(er) Administrative facilities - principal				
10	repayment & interest; env. fund	SEG	S	69,800	157,500
11	(fa) Resource maintenance and				
12	development - state funds	GPR	C	1,278,200	1,278,200
13	(fk) Resource acquisition and				
14	development - service funds;				
15	transportation moneys	PR-S	C	1,000,000	1,000,000
16	(fr) Resource acq. and dev. - boating				
17	access to southeastern lakes	SEG	C	100,000	100,000
18	(fs) Resource acquisition and				
19	development - state funds	SEG	C	919,500	519,500
20	(ft) Resource acquisition and				
21	development - boating access	SEG	C	200,000	200,000
22	(fu) Resource acquisition and				
23	development — nonmotorized				
24	boating improvements	SEG	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(fv) Resource acquisition and				
2	development - fish and wildlife				
3	projects	SEG	C	283,300	283,300
4	(fw) Resource acq. and dev. - Mississippi				
5	and St. Croix rivers management	SEG	C	62,500	62,500
6	(fy) Resource acquisition and				
7	development — federal funds	SEG-F	C	2,120,000	2,120,000
8	(gg) Ice Age trail - gifts and grants	PR	C	-0-	-0-
9	(gq) State trails - gifts and grants	SEG	C	-0-	-0-
10	(ha) Facilities acquisition, development				
11	and maintenance	GPR	C	183,100	183,100
12	(hq) Facilities acquisition, development				
13	and maintenance - conservation				
14	fund	SEG	C	376,800	376,800
15	(jr) Rental property and equipment -				
16	maintenance and replacement	SEG	C	-0-	-0-
17	(mc) Resource maintenance and				
18	development - state park, forest &				
19	riverway roads	GPR	C	1,900,000	1,900,000
20	(mi) General program operations -				
21	private and public sources	PR	C	-0-	-0-
22	(mk) General program operations -				
23	service funds	PR-S	C	-0-	-0-
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			114,584,000	119,220,700
	PROGRAM REVENUE			1,000,000	1,000,000

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
	OTHER			(-0-)	(-0-)
	SERVICE			(1,000,000)	(1,000,000)
	SEGREGATED FUNDS			14,290,900	10,274,600
	FEDERAL			(2,120,000)	(2,120,000)
	OTHER			(12,170,900)	(8,154,600)
	TOTAL-ALL SOURCES			129,874,900	130,495,300
1	(8) ADMINISTRATION AND TECHNOLOGY				
2	(ir) Promotional activities and				
3	publications	SEG	C	83,000	83,000
4	(iw) Statewide recycling administration	SEG	A	142,600	142,600
5	(ma) General program operations —				
6	state funds	GPR	A	8,439,700	8,561,400
7	(mg) General program operations —				
8	stationary sources	PR	A	-0-	-0-
9	(mi) General program operations —				
10	private and public sources	PR	C	-0-	-0-
11	(mk) General program operations —				
12	service funds	PR-S	C	7,129,800	7,129,800
13	(mq) General program operations —				
14	mobile sources	SEG	A	493,500	493,000
15	(mr) General program operations -				
16	environmental improvement fund	SEG	A	292,800	292,800
17	(mt) Equipment pool operations	SEG-S	C	-0-	-0-
18	(mu) General program operations —				
19	state funds	SEG	A	16,097,900	16,151,900

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(mv) General program operations —				
2	environmental fund	SEG	A	1,810,700	1,817,600
3	(mz) Indirect cost reimbursements	SEG-F	C	6,087,400	6,076,700
4	(ni) Geographic information systems,				
5	general program operations - other				
6	funds	PR	C	-0-	-0-
7	(nk) Geographic information systems,				
8	general program operations —				
9	service fds.	PR-S	C	1,264,400	1,264,400
10	(zq) Gifts and donations	SEG	C	-0-	-0-
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,439,700	8,561,400
	PROGRAM REVENUE			8,394,200	8,394,200
	OTHER			(-0-)	(-0-)
	SERVICE			(8,394,200)	(8,394,200)
	SEGREGATED FUNDS			25,007,900	25,057,600
	FEDERAL			(6,087,400)	(6,076,700)
	OTHER			(18,920,500)	(18,980,900)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			41,841,800	42,013,200
11	(9) CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS				
12	(eg) Gifts and grants; environmental				
13	management systems	PR	C	-0-	-0-
14	(gb) Education programs - program fees	PR	B	63,000	63,000
15	(hk) Approval fees to Lac du Flambeau				
16	band-service funds	PR-S	A	100,000	100,000
17	(hs) Approval fees from Lac du				
18	Flambeau band	SEG	C	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ht) Approval fees to Lac du Flambeau				
2	band	SEG	S	-0-	-0-
3	(hu) Handling, issuing and approval list				
4	fees	SEG	C	534,000	534,000
5	(iq) Natural resources magazine	SEG	C	953,200	953,200
6	(is) Statewide recycling administration	SEG	A	77,100	77,100
7	(jL) Fox river management; fees	PR	C	41,300	41,300
8	(ju) Fox river management	SEG	B	36,700	-0-
9	(ma) General program operations - state				
10	funds	GPR	A	2,495,600	2,524,900
11	(mh) General programs operations -				
12	stationary sources	PR	A	593,800	593,800
13	(mi) General program operations —				
14	private and public sources	PR	C	40,000	40,000
15	(mj) General program operations —				
16	solid and hazardous waste	PR	A	146,400	146,400
17	(mk) General program operations —				
18	service funds	PR-S	C	517,000	517,000
19	(mm) General program operations -				
20	federal funds	PR-F	C	620,700	599,800
21	(mq) General program operations -				
22	mobile sources	SEG	A	163,900	163,900

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ms) General program operations —				
2	cooperative environmental				
3	assistance	SEG	A	133,000	133,000
4	(mt) Aids administration —				
5	environmental improvement				
6	programs; state funds	SEG	A	1,037,900	1,037,900
7	(mu) General program operations - state				
8	funds	SEG	A	12,946,400	12,968,700
9	(mv) General program operations —				
10	environmental fund	SEG	A	585,500	585,500
11	(mw) Aids administration - snowmobile				
12	recreation	SEG	A	142,700	142,700
13	(mx) Aids administration - clean water				
14	fund program; federal funds	SEG-F	C	990,600	990,600
15	(my) General program operations -				
16	federal funds	SEG-F	C	145,500	145,500
17	(mz) Indirect cost reimbursements	SEG-F	C	741,300	741,300
18	(nq) Aids administration - dry cleaner				
19	environmental response	SEG	A	64,200	64,200
20	(ny) Aids administration - safe drinking				
21	water loan programs; federal funds	SEG-F	C	127,000	127,000

(9) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,495,600	2,524,900
PROGRAM REVENUE	2,122,200	2,101,300
FEDERAL	(620,700)	(599,800)
OTHER	(884,500)	(884,500)
SERVICE	(617,000)	(617,000)
SEGREGATED FUNDS	18,679,000	18,664,600

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
FEDERAL			(2,004,400)	(2,004,400)
OTHER			(16,674,600)	(16,660,200)
TOTAL-ALL SOURCES			23,296,800	23,290,800

2 0 . 3 7 0 D E P A R T M E N T T O T A L S

GENERAL PURPOSE REVENUES			168,700,700	173,338,400
PROGRAM REVENUE			50,091,700	50,038,400
FEDERAL			(16,710,900)	(16,616,000)
OTHER			(20,005,000)	(20,050,700)
SERVICE			(13,375,800)	(13,371,700)
SEGREGATED FUNDS			248,212,900	246,147,700
FEDERAL			(28,509,500)	(28,378,100)
OTHER			(219,703,400)	(217,769,600)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			467,005,300	469,524,500

1 **20.373 Fox river navigational system authority**

2 (1) INITIAL COSTS

3 (r) Establishment and operation SEG C 90,000 126,700

2 0 . 3 7 3 D E P A R T M E N T T O T A L S

SEGREGATED FUNDS			90,000	126,700
OTHER			(90,000)	(126,700)
TOTAL-ALL SOURCES			90,000	126,700

4 **20.380 Tourism, department of**

5 (1) TOURISM DEVELOPMENT PROMOTION

6 (a) General program operations GPR A 4,141,700 4,141,700

7 (b) Tourism marketing; general
8 purpose revenue GPR A 7,093,100 7,093,100

9 (bm) Heritage tourism program GPR B 143,400 143,400

10 (g) Gifts, grants and proceeds PR C 6,200 6,200

11 (h) Tourism promotion; sale of surplus
12 property PR C -0- -0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(j) Tourism promotion - private and				
2	public sources	PR	C	100,000	100,000
3	(k) Sale of materials or services	PR-S	C	-0-	-0-
4	(ka) Sales of materials or services-local				
5	assistance	PR-S	C	-0-	-0-
6	(kb) Sales of materials or				
7	services-individuals and				
8	organizations	PR-S	C	-0-	-0-
9	(kc) Marketing clearinghouse charges	PR-S	A	-0-	-0-
10	(kg) Tourism marketing; gaming				
11	revenue	PR-S	C	3,969,500	3,969,500
12	(km) Tourist information assistant	PR-S	A	126,500	126,500
13	(m) Federal aid-state operations	PR-F	C	-0-	-0-
14	(n) Federal aid-local assistance	PR-F	C	-0-	-0-
15	(o) Federal aid-individuals and				
16	organizations	PR-F	C	-0-	-0-
17	(q) Administrative				
18	services-conservation fund	SEG	A	49,100	49,100
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			11,378,200	11,378,200
	PROGRAM REVENUE			4,202,200	4,202,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(106,200)	(106,200)
	SERVICE			(4,096,000)	(4,096,000)
	SEGREGATED FUNDS			49,100	49,100
	OTHER			(49,100)	(49,100)
	TOTAL-ALL SOURCES			15,629,500	15,629,500
19	(2) KICKAPOO VALLEY RESERVE				

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ip) Kickapoo reserve management				
2	board; program services	PR	C	-0-	-0-
3	(ir) Kickapoo reserve management				
4	board; gifts and grants	PR	C	-0-	-0-
5	(ms) Kickapoo reserve management				
6	board; federal aid	PR-F	C	-0-	-0-
7	(q) Kickapoo reserve management				
8	board; general program operations	SEG	A	253,700	264,200
9	(r) Kickapoo valley reserve; aids in lieu				
10	of taxes	SEG	S	204,100	224,500
	(2) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			457,800	488,700
	OTHER			(457,800)	(488,700)
	TOTAL-ALL SOURCES			457,800	488,700
	20.380 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			11,378,200	11,378,200
	PROGRAM REVENUE			4,202,200	4,202,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(106,200)	(106,200)
	SERVICE			(4,096,000)	(4,096,000)
	SEGREGATED FUNDS			506,900	537,800
	OTHER			(506,900)	(537,800)
	TOTAL-ALL SOURCES			16,087,300	16,118,200
11	20.395 Transportation, department of				
12	(1) Aids				
13	(ar) Corrections of transportation aid				
14	payments	SEG	S	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(as) Transportation aids to counties,				
2	state funds	SEG	A	86,329,100	88,919,000
3	(at) Transportation aids to				
4	municipalities, state funds	SEG	A	271,073,000	277,795,900
5	(br) Milwaukee urban area rail transit				
6	system planning study, state funds	SEG	A	-0-	-0-
7	(bs) Transportation employment and				
8	mobility, state funds	SEG	C	756,700	336,000
9	(bt) Urban rail transit system grants	SEG	C	-0-	-0-
10	(bv) Transit and transportation				
11	employment and mobility aids, local				
12	funds	SEG-L	C	110,000	110,000
13	(bx) Transit and transportation				
14	employment and mobility aids,				
15	federal funds	SEG-F	C	26,500,000	26,500,000
16	(cq) Elderly and disabled capital aids,				
17	state funds	SEG	C	921,900	921,900
18	(cr) Elderly and disabled county aids,				
19	state funds	SEG	A	7,667,400	7,925,100
20	(cv) Elderly and disabled aids, local				
21	funds	SEG-L	C	605,500	605,500
22	(cx) Elderly and disabled aids, federal				
23	funds	SEG-F	C	1,500,000	1,500,000

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ex) Highway safety, local assistance,				
2	federal funds	SEG-F	C	1,700,000	1,700,000
3	(fq) Connecting highways aids, state				
4	funds	SEG	A	12,851,900	12,851,900
5	(fs) Flood damage aids, state funds	SEG	S	600,000	600,000
6	(ft) Lift bridge aids, state funds	SEG	B	1,425,000	1,425,000
7	(fu) County forest road aids, state funds	SEG	A	303,300	303,300
8	(gq) Expressway policing aids, state				
9	funds	SEG	A	1,040,800	1,040,800
10	(gr) Grants to local professional football				
11	stadium districts, state funds	SEG	A	9,100,000	-0-
12	(hr) Tier B transit operating aids, state				
13	funds	SEG	A	20,299,300	20,299,300
14	(hs) Tier C transit operating aids, state				
15	funds	SEG	A	5,482,800	5,482,800
16	(ht) Tier A-1 transit operating aids,				
17	state funds	SEG	A	54,894,500	54,894,500
18	(hu) Tier A-2 transit operating aids,				
19	state funds	SEG	A	14,655,000	14,655,000
20	(ig) Professional football stadium				
21	maintenance and operating costs,				
22	state funds	PR	C	-0-	-0-
23	(jq) Supplemental mass transit aids for				
24	Tiers A-1 and A-2, state funds	SEG	C	-0-	2,361,900

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(jr) Supplemental mass transit aids for				
2	Tier B, state funds	SEG	C	-0-	689,400
3	(js) Supplemental mass transit aids for				
4	Tier C, state funds	SEG	C	-0-	68,300
5	(jt) Supplemental mass transit aids for				
6	shared-ride taxicab systems, state				
7	funds	SEG	C	-0-	117,900
	(1) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			517,816,200	521,103,500
	FEDERAL			(29,700,000)	(29,700,000)
	OTHER			(487,400,700)	(490,688,000)
	LOCAL			(715,500)	(715,500)
	TOTAL-ALL SOURCES			517,816,200	521,103,500
8	(2) LOCAL TRANSPORTATION ASSISTANCE				
9	(aq) Accelerated local bridge				
10	improvement assistance, state				
11	funds	SEG	C	-0-	-0-
12	(av) Accelerated local bridge				
13	improvement assistance, local				
14	funds	SEG-L	C	-0-	-0-
15	(ax) Accelerated local bridge				
16	improvement assistance, federal				
17	funds	SEG-F	C	-0-	-0-
18	(bq) Rail service assistance, state funds	SEG	C	679,500	679,500
19	(bu) Freight rail infrastructure				
20	improvements, state funds	SEG	C	3,079,800	3,079,800

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(bv) Rail service assistance, local funds	SEG-L	C	500,000	500,000
2	(bw) Freight rail assistance loan				
3	repayments, local funds	SEG-L	C	3,000,000	3,500,000
4	(bx) Rail service assistance, federal				
5	funds	SEG-F	C	50,000	50,000
6	(cq) Harbor assistance, state funds	SEG	C	589,400	589,400
7	(cr) Rail passenger service, state funds	SEG	C	386,000	795,200
8	(ct) Passenger railroad station				
9	improvement grants, state funds	SEG	B	-0-	-0-
10	(cu) Passenger railroad station				
11	improvement grants, local funds	SEG-L	C	-0-	-0-
12	(cv) Rail passenger service, local funds	SEG-L	C	-0-	-0-
13	(cx) Rail passenger service; federal				
14	funds	SEG-F	C	3,473,900	3,180,600
15	(dq) Aeronautics assistance, state funds	SEG	C	11,866,900	11,866,900
16	(ds) Aviation career education, state				
17	funds	SEG	A	138,300	138,300
18	(dv) Aeronautics assistance, local funds	SEG-L	C	8,430,700	8,430,700
19	(dx) Aeronautics assistance, federal				
20	funds	SEG-F	C	48,900,000	48,900,000
21	(fb) Local roads for job preservation,				
22	state funds	GPR	C	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(fq) Local transportation facility				
2	improvement assistance, state				
3	funds	SEG	C	8,476,500	8,476,500
4	(fr) Local roads improvement program,				
5	state funds	SEG	C	22,436,100	24,518,500
6	(fv) Local transportation facility				
7	improvement assistance, local				
8	funds	SEG-L	C	45,573,500	47,655,900
9	(fx) Local transportation facility				
10	improvement assistance, federal				
11	funds	SEG-F	C	102,007,900	102,007,900
12	(fz) Local roads for job preservation,				
13	federal funds	SEG-F	C	-0-	-0-
14	(gj) Railroad crossing protection				
15	installation and maintenance, state				
16	funds	SEG	C	-0-	-0-
17	(gq) Railroad crossing improvement and				
18	protection maintenance, state funds	SEG	A	2,250,000	2,250,000
19	(gr) Railroad crossing improvement and				
20	protection installation, state funds	SEG	C	1,200,000	1,700,000
21	(gs) Railroad crossing repair assistance,				
22	state funds	SEG	C	250,000	250,000
23	(gv) Railroad crossing improvement,				
24	local funds	SEG-L	C	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(gx) Railroad crossing improvement,				
2	federal funds	SEG-F	C	3,549,300	3,549,300
3	(hq) Multimodal transportation studies,				
4	state funds	SEG	C	750,000	750,000
5	(hx) Multimodal transportation studies,				
6	federal funds	SEG-F	C	-0-	-0-
7	(iq) Tommy G. Thompson				
8	transportation economic assistance				
9	program, state funds	SEG	C	5,250,000	7,000,000
10	(iv) Tommy G. Thompson				
11	transportation economic assistance				
12	program, local funds	SEG-L	C	5,250,000	7,000,000
13	(iw) Transportation facility				
14	improvement loans, local funds	SEG-L	C	-0-	-0-
15	(ix) Tommy G. Thompson				
16	transportation economic assistance				
17	program, federal funds	SEG-F	C	-0-	-0-
18	(jq) Surface transportation grants, state				
19	funds	SEG	C	-0-	-0-
20	(jv) Surface transportation grants, local				
21	funds	SEG-L	C	680,000	680,000
22	(jx) Surface transportation grants,				
23	federal funds	SEG-F	C	2,720,000	2,720,000
24	(kv) Congestion mitigation and air				
25	quality improvement, local funds	SEG-L	C	3,124,700	3,124,700

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03	
1	(kx) Congestion mitigation and air					
2	quality improvement, federal funds	SEG-F	C	12,498,500	12,498,500	
3	(nv) Transportation enhancement					
4	activities, local funds	SEG-L	C	1,682,600	1,682,600	
5	(nx) Transportation enhancement					
6	activities, federal funds	SEG-F	C	6,730,200	6,730,200	
7	(ny) Milwaukee lakeshore walkway	SEG-F	B	-0-	-0-	
8	(ph) Transportation infrastructure					
9	loans, gifts and grants	SEG	C	-0-	-0-	
10	(pq) Transportation infrastructure					
11	loans, state funds	SEG	C	-0-	-0-	
12	(pu) Transportation infrastructure					
13	loans, service funds	SEG-S	C	-0-	-0-	
14	(pv) Transportation infrastructure					
15	loans, local funds	SEG-L	C	-0-	-0-	
16	(px) Transportation infrastructure					
17	loans, federal funds	SEG-F	C	-0-	-0-	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-	
	SEGREGATED FUNDS			305,523,800	314,304,500	
	FEDERAL			(179,929,800)	(179,636,500)	
	OTHER			(57,352,500)	(62,094,100)	
	SERVICE			(-0-)	(-0-)	
	LOCAL			(68,241,500)	(72,573,900)	
	TOTAL-ALL SOURCES			305,523,800	314,304,500	
18	(3) STATE HIGHWAY FACILITIES					

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(bq) Major highway development, state				
2	funds	SEG	C	46,208,100	53,261,300
3	(br) Major highway development,				
4	service funds	SEG-S	C	122,270,800	129,935,900
5	(bv) Major highway development, local				
6	funds	SEG-L	C	-0-	-0-
7	(bx) Major highway development,				
8	federal funds	SEG-F	C	57,948,500	57,948,500
9	(ck) West canal street reconstruction,				
10	service funds	PR-S	C	3,500,000	1,500,000
11	(cq) State highway rehabilitation, state				
12	funds	SEG	C	258,076,100	273,611,400
13	(cr) Marquette interchange				
14	reconstruction, state funds	SEG	C	1,750,000	6,250,000
15	(cs) Marquette interchange				
16	reconstruction, service funds	SEG-S	C	2,264,300	4,732,300
17	(cv) State highway rehabilitation, local				
18	funds	SEG-L	C	4,550,000	2,000,000
19	(cw) Marquette interchange				
20	reconstruction, local funds	SEG-L	C	-0-	-0-
21	(cx) State highway rehabilitation,				
22	federal funds	SEG-F	C	345,133,600	324,176,900
23	(cy) Marquette interchange				
24	reconstruction, federal funds	SEG-F	C	26,868,000	91,067,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(eq) Highway maintenance, repair, and				
2	traffic operations, state funds	SEG	B	162,665,400	170,866,000
3	(ev) Highway maintenance, repair, and				
4	traffic operations, local funds	SEG-L	C	485,000	496,000
5	(ex) Highway maintenance, repair, and				
6	traffic operations, federal funds	SEG-F	C	1,194,000	1,194,000
7	(iq) Administration and planning, state				
8	funds	SEG	A	19,929,600	19,929,600
9	(ir) Disadvantaged business				
10	mobilization assistance, state funds	SEG	C	-0-	-0-
11	(iv) Administration and planning, local				
12	funds	SEG-L	C	-0-	-0-
13	(ix) Administration and planning,				
14	federal funds	SEG-F	C	4,555,000	4,555,000
15	(jh) Utility facilities within highway				
16	rights-of-way, state funds	PR	C	-0-	-0-
17	(jj) Damage claims	PR	C	1,850,000	1,850,000
18	(js) Telecommunications services,				
19	service funds	SEG-S	C	-0-	-0-

(3) PROGRAM TOTALS

PROGRAM REVENUE	5,350,000	3,350,000
OTHER	(1,850,000)	(1,850,000)
SERVICE	(3,500,000)	(1,500,000)
SEGREGATED FUNDS	1,053,898,400	1,140,024,100
FEDERAL	(435,699,100)	(478,941,600)
OTHER	(488,629,200)	(523,918,300)
SERVICE	(124,535,100)	(134,668,200)
LOCAL	(5,035,000)	(2,496,000)
TOTAL-ALL SOURCES	1,059,248,400	1,143,374,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(4) GENERAL TRANSPORTATION OPERATIONS				
2	(aq) Departmental management and				
3	operations, state funds	SEG	A	53,865,300	53,857,500
4	(ar) Minor construction projects, state				
5	funds	SEG	C	-0-	-0-
6	(at) Capital building projects, service				
7	funds	SEG-S	C	4,377,300	6,000,000
8	(av) Departmental management and				
9	operations, local funds	SEG-L	C	369,000	369,000
10	(ax) Departmental management and				
11	operations, federal funds	SEG-F	C	15,322,900	15,308,800
12	(ch) Gifts and grants	SEG	C	-0-	-0-
13	(dq) Demand management	SEG	A	306,400	306,400
14	(eq) Data processing services, service				
15	funds	SEG-S	C	15,109,600	15,109,600
16	(er) Fleet operations, service funds	SEG-S	C	12,033,200	12,033,200
17	(es) Other department services,				
18	operations, service funds	SEG-S	C	1,099,200	1,099,200
19	(et) Equipment acquisition	SEG	A	-0-	-0-
20	(ew) Operating budget supplements,				
21	state funds	SEG	C	-0-	-0-
		(4) PROGRAM TOTALS			
	SEGREGATED FUNDS			102,482,900	104,083,700
	FEDERAL			(15,322,900)	(15,308,800)
	OTHER			(54,171,700)	(54,163,900)
	SERVICE			(32,619,300)	(34,242,000)

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
	LOCAL			(369,000)	(369,000)
	TOTAL-ALL SOURCES			102,482,900	104,083,700
1	(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
2	(cg) Vehicle registration, telephone				
3	renewal transactions, state funds	PR	C	-0-	-0-
4	(ch) Repaired salvage vehicle				
5	examinations, state funds	PR	C	-0-	-0-
6	(ci) Breath screening instruments,				
7	state funds	PR	C	-0-	-0-
8	(cj) Vehicle registration, special group				
9	plates, state funds	PR	C	-0-	-0-
10	(cL) Licensing fees, state funds	PR	C	-0-	-0-
11	(cq) Veh. reg., insp. & maint., driver				
12	licensing & aircraft reg., state				
13	funds	SEG	A	76,037,300	72,909,300
14	(cx) Vehicle registration and driver				
15	licensing, federal funds	SEG-F	C	200,000	200,000
16	(dg) Escort, security and traffic				
17	enforcement services, state funds	PR	C	164,300	164,300
18	(dh) Traffic academy tuition payments,				
19	state funds	PR	C	374,800	374,800
20	(di) Chemical testing training and				
21	services, state funds	PR	A	1,030,700	1,030,700
22	(dk) Public safety radio management,				
23	service funds	PR-S	C	219,300	219,300

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(dL) Public safety radio management,				
2	state funds	PR	C	22,000	22,000
3	(dq) Vehicle inspection, traffic				
4	enforcement and radio				
5	management, state funds	SEG	A	48,947,000	49,147,800
6	(dx) Vehicle inspection and traffic				
7	enforcement, federal funds	SEG-F	C	2,439,200	2,439,200
8	(ek) Safe-ride grant program; state				
9	funds	PR-S	C	-0-	-0-
10	(hq) Motor veh. emission insp. and				
11	maint. program, contractor costs,				
12	state funds	SEG	A	7,881,700	7,881,700
13	(hx) Motor vehicle emission inspection				
14	and maintenance programs, federal				
15	funds	SEG-F	C	3,115,800	3,754,800
16	(iv) Municipal and county registration				
17	fee, local funds	SEG-L	C	-0-	-0-
18	(jr) Pretrial intoxicated driver				
19	intervention grants, state funds	SEG	A	779,400	779,400
(5) PROGRAM TOTALS					
	PROGRAM REVENUE			1,811,100	1,811,100
	OTHER			(1,591,800)	(1,591,800)
	SERVICE			(219,300)	(219,300)
	SEGREGATED FUNDS			139,400,400	137,112,200
	FEDERAL			(5,755,000)	(6,394,000)
	OTHER			(133,645,400)	(130,718,200)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			141,211,500	138,923,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(6) DEBT SERVICES				
2	(af) Principal repayment and interest,				
3	local roads for job preserv, state				
4	funds	GPR	S	389,500	876,800
5	(aq) Principal repayment and interest,				
6	transportation facilities, state funds	SEG	S	5,530,600	5,660,400
7	(ar) Principal repayment and interest,				
8	buildings, state funds	SEG	S	282,800	255,100
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			389,500	876,800
	SEGREGATED FUNDS			5,813,400	5,915,500
	OTHER			(5,813,400)	(5,915,500)
	TOTAL-ALL SOURCES			6,202,900	6,792,300
9	(9) GENERAL PROVISIONS				
10	(gg) Credit card use charges	SEG	C	-0-	-0-
11	(qd) Freeway land disposal				
12	reimbursement clearing account	SEG	C	-0-	-0-
13	(qh) Highways, bridges and local				
14	transportation assistance clearing				
15	account	SEG	C	-0-	-0-
16	(qj) Hwys., bridges & local transp.				
17	assist. clearing acct., fed. funded				
18	pos.	SEG-F	C	-0-	-0-
19	(qn) Motor vehicle financial				
20	responsibility	SEG	C	-0-	-0-

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(th) Temporary funding of projects				
2	financed by revenue bonds	SEG	S	-0-	-0-
	(9) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.395 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			389,500	876,800
	PROGRAM REVENUE			7,161,100	5,161,100
	OTHER			(3,441,800)	(3,441,800)
	SERVICE			(3,719,300)	(1,719,300)
	SEGREGATED FUNDS			2,124,935,100	2,222,543,500
	FEDERAL			(666,406,800)	(709,980,900)
	OTHER			(1,227,012,900)	(1,267,498,000)
	SERVICE			(157,154,400)	(168,910,200)
	LOCAL			(74,361,000)	(76,154,400)
	TOTAL-ALL SOURCES			2,132,485,700	2,228,581,400
	Environmental Resources				
	FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			211,256,800	220,741,400
	PROGRAM REVENUE			61,455,000	59,401,700
	FEDERAL			(16,710,900)	(16,616,000)
	OTHER			(23,553,000)	(23,598,700)
	SERVICE			(21,191,100)	(19,187,000)
	SEGREGATED FUNDS			2,380,092,300	2,475,708,900
	FEDERAL			(694,916,300)	(738,359,000)
	OTHER			(1,453,660,600)	(1,492,285,300)
	SERVICE			(157,154,400)	(168,910,200)
	LOCAL			(74,361,000)	(76,154,400)
	TOTAL-ALL SOURCES			2,652,804,100	2,755,852,000

Human Relations and Resources

3	20.410 Corrections, department of				
4	(1) ADULT CORRECTIONAL SERVICES				
5	(a) General program operations	GPR	A	394,128,700	417,865,900

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(aa) Institutional repair and				
2	maintenance	GPR	A	3,848,000	6,444,300
3	(ab) Corrections contracts and				
4	agreements	GPR	A	79,422,800	42,183,200
5	(b) Services for community corrections	GPR	A	161,108,500	168,654,700
6	(bm) Pharmacological treatment for				
7	certain child sex offenders	GPR	A	676,000	676,000
8	(bn) Reimbursing counties for probation,				
9	extended supervision and parole				
10	holds	GPR	A	4,019,800	4,019,800
11	(c) Reimbursement claims of counties				
12	containing state prisons	GPR	S	180,000	180,000
13	(cw) Mother-young child care program	GPR	A	200,000	200,000
14	(d) Purchased services for offenders	GPR	A	23,573,000	24,076,100
15	(e) Principal repayment and interest	GPR	S	70,176,200	79,046,700
16	(ec) Prison industries principal, interest				
17	and rebates	GPR	S	-0-	-0-
18	(ed) Correctional facilities rental	GPR	A	-0-	-0-
19	(ef) Lease rental payments	GPR	S	-0-	-0-
20	(f) Energy costs	GPR	A	13,961,600	13,806,600
21	(g) Loan fund for persons on probation,				
22	extended supervision or parole	PR	A	6,000	6,000
23	(gb) Drug testing	PR	C	38,900	38,900
24	(gc) Sex offender honesty testing	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ge) Administrative and minimum				
2	supervision	PR	A	498,200	498,300
3	(gf) Probation, parole and extended				
4	supervision	PR	A	5,303,300	5,303,300
5	(gg) Supervision of defendants and				
6	offenders	PR	A	-0-	-0-
7	(gh) Supervision of persons on lifetime				
8	supervision	PR	A	-0-	-0-
9	(gi) General operations	PR	A	1,170,100	1,170,100
10	(gm) Sale of fuel and utility service	PR	A	-0-	-0-
11	(gr) Home detention services	PR	A	967,100	978,300
12	(gt) Telephone company commissions	PR	A	832,700	832,700
13	(h) Administration of restitution	PR	A	773,300	774,100
14	(hm) Private business employment of				
15	inmates and residents	PR	A	360,000	370,800
16	(i) Gifts and grants	PR	C	33,400	33,400
17	(jz) Operations and maintenance	PR	C	-0-	-0-
18	(kc) Correctional institution enterprises;				
19	inmate activities and employment	PR-S	C	1,050,800	1,050,900
20	(kf) Correctional farms	PR-S	A	3,846,300	4,080,000
21	(kh) Victim services and programs	PR-S	A	174,400	174,400
22	(kk) Institutional operations and				
23	charges	PR-S	A	12,234,000	12,227,100

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03	
1	(km) Prison industries	PR-S	A	22,967,100	24,361,900	
2	(ko) Prison industries principal					
3	repayment, interest and rebates	PR-S	S	309,600	567,900	
4	(kp) Correctional officer training	PR-S	A	1,851,700	1,860,000	
5	(kx) Interagency and intra-agency					
6	programs	PR-S	C	2,344,300	2,337,900	
7	(ky) Interagency and intra-agency aids	PR-S	C	1,442,100	1,442,100	
8	(kz) Interagency and intra-agency local					
9	assistance	PR-S	C	-0-	-0-	
10	(m) Federal project operations	PR-F	C	2,512,800	2,473,100	
11	(n) Federal program operations	PR-F	C	86,800	86,800	
12	(qm) Computer recycling	SEG	A	386,300	387,200	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			751,294,600	757,153,300	
	PROGRAM REVENUE			58,802,900	60,668,000	
	FEDERAL			(2,599,600)	(2,559,900)	
	OTHER			(9,983,000)	(10,005,900)	
	SERVICE			(46,220,300)	(48,102,200)	
	SEGREGATED FUNDS			386,300	387,200	
	OTHER			(386,300)	(387,200)	
	TOTAL-ALL SOURCES			810,483,800	818,208,500	
13	(2) PAROLE PROGRAM					
14	(a) General program operations	GPR	A	1,154,800	1,185,800	
15	(kx) Interagency and intra-agency					
16	programs	PR-S	C	-0-	-0-	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,154,800	1,185,800	
	PROGRAM REVENUE			-0-	-0-	

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
SERVICE				(-0-)	(-0-)
TOTAL-ALL SOURCES				1,154,800	1,185,800
1	(3) JUVENILE CORRECTIONAL SERVICES				
2	(a) General program operations	GPR	A	900,800	901,300
3	(ba) Mendota juvenile treatment center	GPR	A	1,379,300	1,379,300
4	(c) Reimbursement claims of counties				
5	containing secured correctional				
6	facilities	GPR	A	200,000	200,000
7	(cd) Community youth and family aids	GPR	A	83,734,500	83,734,500
8	(cg) Serious juvenile offenders	GPR	B	17,945,000	17,936,600
9	(e) Principal repayment and interest	GPR	S	4,171,700	4,172,100
10	(f) Community intervention program	GPR	A	3,750,000	3,750,000
11	(g) Legal service collections	PR	C	-0-	-0-
12	(gg) Collection remittances to local units				
13	of government	PR	C	-0-	-0-
14	(hm) Juvenile correctional services	PR	A	68,738,200	69,299,600
15	(ho) Juvenile residential aftercare	PR	A	12,902,800	13,721,200
16	(hr) Juvenile corrective sanctions				
17	program	PR	A	4,026,500	4,037,800
18	(i) Gifts and grants	PR	C	5,300	5,300
19	(j) State-owned housing maintenance	PR	A	35,000	35,000
20	(jr) Institutional operations and				
21	charges	PR	A	213,700	213,700
22	(jv) Secure detention services	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ko) Interagency programs; community				
2	youth and family aids	PR-S	C	2,449,200	2,449,200
3	(kx) Interagency and intra-agency				
4	programs	PR-S	C	1,890,600	1,887,600
5	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
6	(kz) Interagency and intra-agency local				
7	assistance	PR-S	C	-0-	-0-
8	(m) Federal project operations	PR-F	C	-0-	-0-
9	(n) Federal program operations	PR-F	C	30,000	30,000
10	(q) Girls school benevolent trust fund	SEG	C	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	112,081,300	112,073,800
PROGRAM REVENUE	90,291,300	91,679,400
FEDERAL	(30,000)	(30,000)
OTHER	(85,921,500)	(87,312,600)
SERVICE	(4,339,800)	(4,336,800)
SEGREGATED FUNDS	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	202,372,600	203,753,200

20.410 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	864,530,700	870,412,900
PROGRAM REVENUE	149,094,200	152,347,400
FEDERAL	(2,629,600)	(2,589,900)
OTHER	(95,904,500)	(97,318,500)
SERVICE	(50,560,100)	(52,439,000)
SEGREGATED FUNDS	386,300	387,200
OTHER	(386,300)	(387,200)
TOTAL-ALL SOURCES	1,014,011,200	1,023,147,500

11 20.425 Employment relations commission

12	(1) PROMOTION OF PEACE IN LABOR RELATIONS				
13	(a) General program operations	GPR	A	2,650,300	2,650,300

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(g) Publications	PR	A	19,300	19,300
2	(h) Collective bargaining training	PR	A	12,000	12,000
3	(i) Fees	PR	A	196,900	196,900
20.425 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			2,650,300	2,650,300
	PROGRAM REVENUE			228,200	228,200
	OTHER			(228,200)	(228,200)
	TOTAL-ALL SOURCES			2,878,500	2,878,500
4	20.432 Board on aging and long-term care				
5	(1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED				
6	(a) General program operations	GPR	A	781,500	781,500
7	(i) Gifts and grants	PR	C	-0-	-0-
8	(k) Contracts with other state agencies	PR-S	C	573,800	593,700
9	(kb) Insurance and other information,				
10	counseling and assistance	PR-S	A	276,000	282,400
11	(m) Federal aid	PR-F	C	-0-	-0-
20.432 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			781,500	781,500
	PROGRAM REVENUE			849,800	876,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(849,800)	(876,100)
	TOTAL-ALL SOURCES			1,631,300	1,657,600
12	20.433 Child abuse and neglect prevention board				
13	(1) PREVENTION OF CHILD ABUSE AND NEGLECT				
14	(g) General program operations	PR	A	336,800	346,900
15	(h) Grants to organizations	PR	C	1,480,000	1,480,000
16	(i) Gifts and grants	PR	C	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(k) Interagency programs	PR-S	C	398,600	406,800
2	(m) Federal project operations	PR-F	C	90,000	90,000
3	(ma) Federal project aids	PR-F	C	300,000	300,000
4	(q) Children's trust fund; gifts and				
5	grants	SEG	C	43,000	44,000
20.433 DEPARTMENT TOTALS					
	PROGRAM REVENUE			2,605,400	2,623,700
	FEDERAL			(390,000)	(390,000)
	OTHER			(1,816,800)	(1,826,900)
	SERVICE			(398,600)	(406,800)
	SEGREGATED FUNDS			43,000	44,000
	OTHER			(43,000)	(44,000)
	TOTAL-ALL SOURCES			2,648,400	2,667,700

6 20.434 Adolescent pregnancy prevention and pregnancy services

7	(1) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES				
8	(a) General program operations	GPR	A	23,400	23,400
9	(b) Grants to organizations	GPR	A	87,900	87,900
10	(g) Adolescent pregnancy prevention				
11	and intervention conference	PR	C	-0-	-0-
12	(kp) Interagency and intra-agency				
13	programs	PR-S	A	98,100	98,100
14	(ky) Interagency and intra-agency aids;				
15	pregnancy prevention and services	PR-S	C	351,400	351,400

20.434 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			111,300	111,300
	PROGRAM REVENUE			449,500	449,500
	OTHER			(-0-)	(-0-)
	SERVICE			(449,500)	(449,500)
	TOTAL-ALL SOURCES			560,800	560,800

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03	
1	20.435 Health and family services, department of					
2	(1) PUBLIC HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; STATE OPERATIONS					
3	(a) General program operations	GPR	A	5,625,600	5,625,600	
4	(gm) Licensing, review and certifying					
5	activities fees; supplies and services	PR	A	6,241,100	6,492,500	
6	(gr) Supplemental food program for					
7	women, infants and children					
8	adminstration	PR	C	-0-	-0-	
9	(i) Gifts and grants	PR	C	205,100	205,200	
10	(jb) Congenital disorders; operations	PR	A	50,600	50,600	
11	(kx) Interagency and intra-agency					
12	programs	PR-S	C	1,436,500	1,436,800	
13	(m) Federal project operations	PR-F	C	13,341,600	13,257,800	
14	(mc) Block grant operations	PR-F	C	6,694,100	6,696,500	
15	(n) Federal program operations	PR-F	C	3,491,400	3,492,900	
16	(q) Groundwater and air quality					
17	standards	SEG	A	386,600	386,700	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			5,625,600	5,625,600	
	PROGRAM REVENUE			31,460,400	31,632,300	
	FEDERAL			(23,527,100)	(23,447,200)	
	OTHER			(6,496,800)	(6,748,300)	
	SERVICE			(1,436,500)	(1,436,800)	
	SEGREGATED FUNDS			386,600	386,700	
	OTHER			(386,600)	(386,700)	
	TOTAL-ALL SOURCES			37,472,600	37,644,600	
18	(2) CARE AND TREATMENT FACILITIES					

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(a) General program operations	GPR	A	36,148,200	36,384,300
2	(aa) Institutional repair and				
3	maintenance	GPR	A	659,300	659,300
4	(b) Wisconsin resource center	GPR	A	32,118,000	32,380,800
5	(bj) Competency examinations and				
6	conditional and supervised release				
7	services	GPR	B	4,544,600	5,117,000
8	(bm) Secure mental health units or				
9	facilities	GPR	A	23,767,700	24,708,400
10	(ee) Principal repayment and interest	GPR	S	12,481,000	12,551,100
11	(ef) Lease rental payments	GPR	S	-0-	-0-
12	(f) Energy costs	GPR	A	2,466,000	2,599,700
13	(g) Alternative services of institutes				
14	and centers	PR	A	2,048,700	2,050,200
15	(gk) Institutional operations and				
16	charges	PR	A	159,064,000	159,379,400
17	(gs) Sex offender honesty testing	PR	C	-0-	-0-
18	(i) Gifts and grants	PR	C	173,400	173,400
19	(kx) Interagency and intra-agency				
20	programs	PR-S	C	7,293,000	7,545,800
21	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
22	(kz) Interagency and intra-agency local				
23	assistance	PR-S	C	-0-	-0-
24	(m) Federal project operations	PR-F	C	-0-	-0-

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03	
(2) P R O G R A M T O T A L S						
GENERAL PURPOSE REVENUES				112,184,800	114,400,600	
PROGRAM REVENUE				168,579,100	169,148,800	
FEDERAL				(-0-)	(-0-)	
OTHER				(161,286,100)	(161,603,000)	
SERVICE				(7,293,000)	(7,545,800)	
TOTAL-ALL SOURCES				280,763,900	283,549,400	
1	(3)	CHILDREN AND FAMILY SERVICES				
2	(a)	General program operations	GPR	A	5,047,800	5,261,600
3	(bc)	Grants for children's community				
4		programs	GPR	A	652,200	652,200
5	(bm)	Services for children and families	GPR	S	250,000	250,000
6	(cd)	Domestic abuse grants	GPR	A	5,070,200	5,070,200
7	(cf)	Foster, trtmt foster &				
8		family-operated group home parent				
9		ins & liability	GPR	A	60,000	60,000
10	(cw)	Milwaukee child welfare services;				
11		general program operations	GPR	A	12,920,100	13,245,500
12	(cx)	Milwaukee child welfare services;				
13		aids	GPR	A	48,549,300	48,584,000
14	(dd)	State foster care and adoption				
15		services	GPR	A	25,371,500	28,502,200
16	(de)	Child abuse and neglect prevention				
17		grants	GPR	A	995,700	995,700
18	(df)	Child abuse and neglect prevention				
19		technical assistance	GPR	A	160,000	160,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(dg) State adoption information				
2	exchange and state adoption center	GPR	A	135,000	145,000
3	(dn) Food distribution grants	GPR	A	170,000	170,000
4	(eg) Adolescent services	GPR	A	592,400	592,400
5	(gx) Milwaukee child welfare services;				
6	collections	PR	C	2,992,300	2,992,300
7	(hh) Domestic abuse assessment grants	PR	C	300,000	365,000
8	(i) Gifts and grants	PR	C	-0-	-0-
9	(j) Statewide automated child welfare				
10	information system receipts	PR	C	651,700	1,192,200
11	(jb) Fees for administrative services	PR	C	78,400	78,400
12	(jj) Searches for birth parents and				
13	adoption record information;				
14	foreign adopt	PR	A	62,700	62,900
15	(jm) Licensing activities	PR	A	567,500	567,900
16	(kc) Interagency and intra-agency aids;				
17	kinship care and long-term kinship				
18	care	PR-S	A	23,101,300	23,101,300
19	(kd) Kinship care and long-term kinship				
20	care assessments	PR-S	A	1,464,000	1,464,000
21	(km) Federal block grant transfer; aids	PR-S	A	2,367,100	2,367,100
22	(kw) Interagency and intra-agency aids;				
23	Milwaukee child welfare services	PR-S	A	20,101,300	20,101,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kx) Interagency and intra-agency				
2	programs	PR-S	C	5,049,900	5,040,400
3	(ky) Interagency and intra-agency aids	PR-S	C	1,002,000	1,002,000
4	(kz) Interagency and intra-agency local				
5	assistance	PR-S	C	-0-	-0-
6	(m) Federal project operations	PR-F	C	954,000	955,200
7	(ma) Federal project aids	PR-F	C	3,445,200	3,445,200
8	(mb) Federal project local assistance	PR-F	C	-0-	-0-
9	(mc) Federal block grant operations	PR-F	C	2,184,700	2,126,800
10	(md) Federal block grant aids	PR-F	C	8,172,200	8,172,200
11	(me) Federal block grant local assistance	PR-F	C	-0-	-0-
12	(mw) Federal aid; Milwaukee child				
13	welfare services general program				
14	operations	PR-F	C	6,774,000	6,993,800
15	(mx) Federal aid; Milwaukee child				
16	welfare services aids	PR-F	C	18,838,700	18,804,000
17	(n) Federal program operations	PR-F	C	5,839,000	5,926,500
18	(na) Federal program aids	PR-F	C	2,363,400	2,280,700
19	(nL) Federal program local assistance	PR-F	C	7,785,200	7,785,200
20	(o) Community aids; prevention				
21	activities	PR-F	C	2,710,100	2,710,100
22	(pd) Federal aid; state foster care and				
23	adoption services	PR-F	C	24,680,200	27,629,300

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(pm) Federal aid; adoption incentive				
2	payments	PR-F	C	371,000	218,400
	(3) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			99,974,200	103,688,800
	PROGRAM REVENUE			141,855,900	145,382,200
	FEDERAL			(84,117,700)	(87,047,400)
	OTHER			(4,652,600)	(5,258,700)
	SERVICE			(53,085,600)	(53,076,100)
	TOTAL-ALL SOURCES			241,830,100	249,071,000
3	(4) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; HEALTH CARE FINANCING				
4	(a) General program operations	GPR	A	16,977,900	17,403,600
5	(af) HIRSP; transfer to fund for costs	GPR	A	10,000,000	10,000,000
6	(ah) HIRSP; transfer to fund for				
7	premium and deductible reduction				
8	subsidy	GPR	B	780,800	780,800
9	(b) Medical assistance program				
10	benefits	GPR	B	1,071,574,400	1,104,477,000
11	(bc) Health care for low-income families	GPR	C	46,773,100	52,336,900
12	(bm) Medical assist admin; contract				
13	costs, insurer reports, and resource				
14	centers	GPR	B	18,959,500	19,508,700
15	(bn) Medical assistance administration;				
16	payments to counties	GPR	B	21,591,900	21,591,900
17	(bt) Relief block grants to counties	GPR	A	800,000	800,000
18	(d) Facility appeals mechanism	GPR	A	546,800	546,800
19	(e) Disease aids	GPR	B	4,932,000	4,932,000
20	(g) Family care benefit; cost sharing	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(gm) Health services regulation and vital				
2	statistics	PR	A	2,823,100	2,405,700
3	(gp) Health care and graduate medical				
4	education; aids	PR	C	1,500,000	1,500,000
5	(h) General assistance medical				
6	program; intergovernmental				
7	transfer	PR	A	2,500,000	2,500,000
8	(hg) General program operations; health				
9	care information	PR	A	2,688,700	2,690,000
10	(hi) Compilations and special reports	PR	C	97,500	97,500
11	(i) Gifts and grants; health care				
12	financing	PR	C	-0-	-0-
13	(iL) Medical assistance provider fees	PR	C	-0-	-0-
14	(im) Medical assistance; recovery of				
15	correct payments	PR	C	14,667,800	15,805,000
16	(in) Community options program;				
17	family care; recovery of costs				
18	administration	PR	A	76,200	76,300
19	(jd) Prescription drug assistance				
20	project; enrollment fees	PR	C	-0-	-0-
21	(jz) Badger care premiums	PR	C	2,200,200	2,400,200
22	(kb) Relief block grants to tribal				
23	governing bodies	PR-S	A	800,000	800,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kx) Interagency and intra-agency				
2	programs	PR-S	C	985,600	986,200
3	(ky) Interagency and intra-agency aids	PR-S	C	1,070,000	1,070,000
4	(kz) Interagency and intra-agency local				
5	assistance	PR-S	C	-0-	-0-
6	(m) Federal project operations	PR-F	C	673,900	674,300
7	(ma) Federal project aids	PR-F	C	-0-	-0-
8	(md) Federal block grant aids	PR-F	C	-0-	-0-
9	(n) Federal program operations	PR-F	C	32,074,200	32,340,200
10	(na) Federal program aids	PR-F	C	7,088,700	7,088,700
11	(nn) Federal aid; payments to counties				
12	for medical assistance				
13	administration	PR-F	C	29,459,300	29,459,300
14	(o) Federal aid; medical assistance	PR-F	C	2,137,192,500	2,234,664,000
15	(p) Federal aid; health care for				
16	low-income families	PR-F	C	91,864,800	102,532,700
17	(pa) Federal aid; medical assistance				
18	contracts administration	PR-F	C	39,596,700	40,952,800
19	(u) HIRSP; administration	SEG	B	5,726,700	5,715,900
20	(v) HIRSP; program benefits	SEG	C	73,212,300	76,104,200
21	(w) Medical assistance trust fund	SEG	C	80,703,500	108,890,100
(4) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			1,192,936,400	1,232,377,700
	PROGRAM REVENUE			2,367,359,200	2,478,042,900
	FEDERAL			(2,337,950,100)	(2,447,712,000)
	OTHER			(26,553,500)	(27,474,700)

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
	SERVICE			(2,855,600)	(2,856,200)
	SEGREGATED FUNDS			159,642,500	190,710,200
	OTHER			(159,642,500)	(190,710,200)
	TOTAL-ALL SOURCES			3,719,938,100	3,901,130,800
1	(5) PUBLIC HEALTH SERVICES PLANNING, REGULATION & DELIVERY; AIDS & LOCAL ASSIST				
2	(am) Services, reimbursement and				
3	payment related to human				
4	immunodeficiency virus	GPR	A	4,083,800	4,083,800
5	(cb) Women's health services	GPR	A	1,200,000	1,200,000
6	(cc) Cancer treatment, training,				
7	follow-up, control and prevention	GPR	A	1,282,800	1,282,800
8	(ce) Services for homeless individuals	GPR	C	125,000	125,000
9	(ch) Emergency medical services; aids	GPR	A	2,200,000	2,200,000
10	(cm) Immunization	GPR	S	-0-	-0-
11	(de) Dental services	GPR	A	2,970,500	2,970,500
12	(dg) Tobacco prevention and education				
13	program	GPR	A	500,000	-0-
14	(ds) Statewide poison control program	GPR	A	375,000	375,000
15	(e) Public health dispensaries and				
16	drugs	GPR	B	391,900	391,900
17	(ed) Radon aids	GPR	A	30,000	30,000
18	(ef) Lead poisoning or lead exposure				
19	services	GPR	A	1,004,100	1,004,100
20	(eg) Pregnancy counseling	GPR	A	77,600	77,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(em) Supplemental food program for				
2	women, infants and children				
3	benefits	GPR	C	167,300	167,300
4	(ev) Pregnancy outreach and infant				
5	health	GPR	A	375,000	375,000
6	(f) Family planning	GPR	A	1,955,200	1,955,200
7	(fh) Community health services	GPR	A	3,075,000	3,075,000
8	(i) Gifts and grants; aids	PR	C	-0-	-0-
9	(ja) Congenital disorders; diagnosis,				
10	special dietary treatment and				
11	counseling	PR	A	1,833,700	1,929,300
12	(ke) Cooperative American Indian				
13	health projects	PR-S	A	120,000	120,000
14	(ky) Interagency and intra-agency aids	PR-S	C	2,517,000	2,517,000
15	(kz) Interagency and intra-agency local				
16	assistance	PR-S	C	234,100	234,100
17	(ma) Federal project aids	PR-F	C	3,614,100	3,614,100
18	(md) Block grant aids	PR-F	C	9,174,000	9,174,000
19	(na) Federal program aids	PR-F	C	56,803,000	56,803,000
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			19,813,200	19,313,200
	PROGRAM REVENUE			74,295,900	74,391,500
	FEDERAL			(69,591,100)	(69,591,100)
	OTHER			(1,833,700)	(1,929,300)
	SERVICE			(2,871,100)	(2,871,100)
	TOTAL-ALL SOURCES			94,109,100	93,704,700
20	(6) SUPPORTIVE LIVING; STATE OPERATIONS				

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(a) General program operations;				
2	projects; council on physical				
3	disabilities	GPR	A	14,420,300	14,363,400
4	(dm) Nursing home monitoring and				
5	receivership supplement	GPR	S	-0-	-0-
6	(e) Principal repayment and interest	GPR	S	54,000	47,800
7	(ee) Admin. exp. for state suppl to				
8	federal supplemental security				
9	income program	GPR	A	859,800	859,800
10	(g) Nursing facility resident protection	PR	C	150,000	150,000
11	(ga) Community-based residential				
12	facility monitoring and receivership				
13	ops	PR	C	-0-	-0-
14	(gb) Alcohol and drug abuse initiatives	PR	C	893,500	948,400
15	(gd) Group home revolving loan fund	PR	A	100,000	100,000
16	(hs) Interpreter services for hearing				
17	impaired	PR	A	40,000	40,000
18	(hx) Services related to drivers, receipts	PR	A	-0-	-0-
19	(i) Gifts and grants	PR	C	22,300	22,400
20	(jb) Fees for administrative services	PR	C	462,000	462,100
21	(jm) Licensing and support services	PR	A	3,295,600	3,304,500
22	(k) Nursing home monitoring and				
23	receivership operations	PR-S	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kx) Interagency and intra-agency				
2	programs	PR-S	C	1,639,200	1,639,900
3	(m) Federal project operations	PR-F	C	4,288,900	4,269,300
4	(mc) Federal block grant operations	PR-F	C	2,028,200	2,027,200
5	(n) Federal program operations	PR-F	C	16,037,400	16,029,300
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			15,334,100	15,271,000
	PROGRAM REVENUE			28,957,100	28,993,100
	FEDERAL			(22,354,500)	(22,325,800)
	OTHER			(4,963,400)	(5,027,400)
	SERVICE			(1,639,200)	(1,639,900)
	TOTAL-ALL SOURCES			44,291,200	44,264,100
6	(7) SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE				
7	(b) Community aids	GPR	A	179,930,900	185,097,300
8	(bc) Grants for community programs	GPR	A	6,338,300	6,338,300
9	(bd) Community options program; pilot				
10	projects; family care benefit	GPR	A	107,303,500	107,310,200
11	(be) Mental health treatment services	GPR	A	12,334,000	12,334,000
12	(bg) Alzheimer's disease; training and				
13	information grants	GPR	A	132,700	132,700
14	(bL) Community support program				
15	grants	GPR	A	186,900	186,900
16	(bm) Purchased services for clients	GPR	A	94,800	94,800
17	(br) Respite care	GPR	A	225,000	225,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(bt) Early intervention services for				
2	infants and toddlers with				
3	disabilities	GPR	A	4,759,200	4,759,200
4	(c) Independent living centers	GPR	A	1,283,500	1,283,500
5	(ce) Services for homeless individuals	GPR	A	45,000	45,000
6	(cg) Guardianship grant program	GPR	A	193,600	193,600
7	(co) Integrated service programs for				
8	children with severe disabilities	GPR	A	133,300	133,300
9	(d) Telecommunication aid for the				
10	hearing impaired	GPR	A	80,000	80,000
11	(da) Reimbursements to local units of				
12	government	GPR	S	400,000	400,000
13	(dh) Programs for senior citizens; elder				
14	abuse services; benefit specialist				
15	pgm	GPR	A	10,661,100	10,661,100
16	(ed) State supplement to federal				
17	supplemental security income				
18	program	GPR	S	128,281,600	128,281,600
19	(gg) Collection remittances to local units				
20	of government	PR	C	100,000	100,000
21	(hy) Services for drivers, local assistance	PR	A	1,000,000	1,000,000
22	(i) Gifts and grants; local assistance	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(im) Community options program;				
2	family care benefit; recovery of				
3	costs	PR	C	15,000	15,000
4	(kb) Severely emotionally disturbed				
5	children	PR-S	C	721,300	721,300
6	(kc) Independent living center grants	PR-S	A	300,000	300,000
7	(kd) Rehabilitation teaching aids	PR-S	C	22,700	22,700
8	(kg) Compulsive gambling awareness				
9	campaigns	PR-S	A	250,000	250,000
10	(kL) Indian aids	PR-S	A	271,600	271,600
11	(km) Indian drug abuse prevention and				
12	education	PR-S	A	500,000	500,000
13	(kn) Elderly nutrition; home-delivered				
14	and congregate meals	PR-S	A	500,000	500,000
15	(kw) Interagency community aids	PR-S	A	22,657,500	13,514,900
16	(ky) Interagency and intra-agency aids	PR-S	C	18,800,300	17,283,100
17	(kz) Interagency and intra-agency local				
18	assistance	PR-S	C	2,500,900	2,500,900
19	(ma) Federal project aids	PR-F	C	12,471,500	12,471,500
20	(mb) Federal project local assistance	PR-F	C	-0-	-0-
21	(md) Federal block grant aids	PR-F	C	8,403,300	8,243,300
22	(me) Federal block grant local assistance	PR-F	C	9,877,800	9,877,800
23	(na) Federal program aids	PR-F	C	23,360,300	24,763,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(nL) Federal program local assistance	PR-F	C	5,553,800	5,553,800
2	(o) Federal aid; community aids	PR-F	C	69,188,200	69,188,200
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			452,383,400	457,556,500
	PROGRAM REVENUE			176,494,200	167,077,800
	FEDERAL			(128,854,900)	(130,098,300)
	OTHER			(1,115,000)	(1,115,000)
	SERVICE			(46,524,300)	(35,864,500)
	TOTAL-ALL SOURCES			628,877,600	624,634,300
3	(8) GENERAL ADMINISTRATION				
4	(a) General program operations	GPR	A	18,785,600	18,567,200
5	(i) Gifts and grants	PR	C	174,200	200,500
6	(k) Administrative and support				
7	services	PR-S	A	41,982,500	42,041,600
8	(kx) Interagency and intra-agency				
9	programs	PR-S	C	122,200	122,100
10	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
11	(kz) Interagency and intra-agency local				
12	assistance	PR-S	C	-0-	-0-
13	(m) Federal project operations	PR-F	C	962,400	962,400
14	(ma) Federal project aids	PR-F	C	-0-	-0-
15	(mb) Income augmentation services				
16	receipts	PR-F	C	-0-	-0-
17	(mc) Federal block grant operations	PR-F	C	1,327,100	1,257,600
18	(mm) Reimbursements from federal				
19	government	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(n) Federal program operations	PR-F	C	3,580,000	3,450,100
2	(pz) Indirect cost reimbursements	PR-F	C	2,246,300	1,904,200
(8) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			18,785,600	18,567,200
	PROGRAM REVENUE			50,394,700	49,938,500
	FEDERAL			(8,115,800)	(7,574,300)
	OTHER			(174,200)	(200,500)
	SERVICE			(42,104,700)	(42,163,700)
	TOTAL-ALL SOURCES			69,180,300	68,505,700
20.435 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			1,917,037,300	1,966,800,600
	PROGRAM REVENUE			3,039,396,500	3,144,607,100
	FEDERAL			(2,674,511,200)	(2,787,796,100)
	OTHER			(207,075,300)	(209,356,900)
	SERVICE			(157,810,000)	(147,454,100)
	SEGREGATED FUNDS			160,029,100	191,096,900
	OTHER			(160,029,100)	(191,096,900)
	TOTAL-ALL SOURCES			5,116,462,900	5,302,504,600
3	20.436 Tobacco control board				
4	(1) SMOKING CESSATION AND EDUCATION				
5	(g) Gifts and grants	PR	C	-0-	-0-
6	(tb) General program operations	SEG	B	352,400	361,200
7	(tc) Grants	SEG	C	11,654,000	20,808,000
20.436 DEPARTMENT TOTALS					
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			12,006,400	21,169,200
	OTHER			(12,006,400)	(21,169,200)
	TOTAL-ALL SOURCES			12,006,400	21,169,200
8	20.440 Health and educational facilities authority				
9	(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				
10	(a) General program operations	GPR	C	-0-	-0-

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				-0-	-0-
TOTAL-ALL SOURCES				-0-	-0-
1	(2)	RURAL HOSPITAL LOAN GUARANTEE			
2	(a)	Rural assistance loan fund	GPR C	-0-	-0-
(2) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				-0-	-0-
TOTAL-ALL SOURCES				-0-	-0-
20.440 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				-0-	-0-
TOTAL-ALL SOURCES				-0-	-0-
3	20.445 Workforce development, department of				
4	(1)	WORKFORCE DEVELOPMENT			
5	(a)	General program operations	GPR A	6,841,500	6,841,500
6	(aa)	Special death benefit	GPR S	479,100	479,100
7	(bc)	Assistance for dislocated workers	GPR A	-0-	-0-
8	(f)	Death and disability benefit			
9		payments; public insurrections	GPR S	-0-	-0-
10	(fg)	Employment transit aids, state			
11		funds	GPR A	579,100	579,100
12	(g)	Gifts and grants	PR C	-0-	-0-
13	(ga)	Auxiliary services	PR C	572,700	572,700
14	(gb)	Local agreements	PR C	4,560,700	4,560,700
15	(gc)	Unemployment administration	PR C	-0-	-0-
16	(gd)	Unemployment interest and			
17		penalty payments	PR C	246,000	246,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ge) Unemployment reserve fund				
2	research	PR	A	275,500	275,500
3	(gf) Unemployment insurance				
4	administration	PR	A	1,545,600	1,545,600
5	(gg) Unemployment tax and accounting				
6	system; interest and penalties	PR	A	-0-	-0-
7	(gh) Unemployment tax and accounting				
8	system; assessments	PR	C	2,245,200	2,245,200
9	(ha) Worker's compensation operations	PR	A	10,176,400	10,204,800
10	(hb) Worker's compensation contracts	PR	C	500,000	500,000
11	(hp) Uninsured employers program;				
12	administration	PR	A	914,300	914,300
13	(j) Work permit system and fees	PR	C	162,500	325,000
14	(jm) Dislocated worker program grants	PR	C	-0-	-0-
15	(ka) Interagency and intra-agency				
16	agreements	PR-S	C	4,490,700	4,391,500
17	(kc) Administrative services	PR-S	A	49,240,000	49,240,000
18	(kr) Employment transit aids, federal				
19	oil overcharge funds	PR-S	C	-0-	-0-
20	(L) Childsupport - related fees	PR	C	-0-	-0-
21	(m) Federal funds	PR-F	C	1,307,600	1,300,100
22	(ma) Federal aid — program				
23	administration	PR-F	C	5,494,600	5,448,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(mb) Federal aid — employment and				
2	training local assistance	PR-F	C	1,493,600	1,493,600
3	(mc) Federal aid — employment and				
4	training aids	PR-F	C	23,881,800	23,881,800
5	(n) Unemployment administration;				
6	federal moneys	PR-F	C	90,712,300	80,042,300
7	(na) Employment security buildings and				
8	equipment	PR-F	C	141,400	101,400
9	(nb) Unemployment tax and accounting				
10	system; federal moneys	PR-F	C	-0-	-0-
11	(nc) Unemployment insurance				
12	administration; special federal				
13	monies	PR-F	C	2,263,800	2,263,800
14	(ox) Employment transit aids, federal				
15	funds	PR-F	C	-0-	-0-
16	(pz) Indirect cost reimbursements	PR-F	C	234,000	234,000
17	(s) Self-insured employers liability				
18	fund	SEG	C	-0-	-0-
19	(sm) Uninsured employers fund;				
20	payments	SEG	S	1,200,000	1,200,000
21	(t) Work injury supplemental benefit				
22	fund	SEG	C	2,500,000	2,500,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			7,899,700	7,899,700
	PROGRAM REVENUE			200,458,700	189,786,900
	FEDERAL			(125,529,100)	(114,765,600)
	OTHER			(21,198,900)	(21,389,800)

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
	SERVICE			(53,730,700)	(53,631,500)
	SEGREGATED FUNDS			3,700,000	3,700,000
	OTHER			(3,700,000)	(3,700,000)
	TOTAL-ALL SOURCES			212,058,400	201,386,600
1	(2) REVIEW COMMISSION				
2	(a) General program operations, review				
3	commission	GPR	A	199,800	199,800
4	(ha) Worker's compensation operations	PR	A	628,300	630,800
5	(m) Federal moneys	PR-F	C	134,800	135,400
6	(n) Unemployment administration;				
7	federal moneys	PR-F	C	1,711,100	1,720,800
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			199,800	199,800
	PROGRAM REVENUE			2,474,200	2,487,000
	FEDERAL			(1,845,900)	(1,856,200)
	OTHER			(628,300)	(630,800)
	TOTAL-ALL SOURCES			2,674,000	2,686,800
8	(3) ECONOMIC SUPPORT				
9	(a) General program operations	GPR	A	23,345,200	22,345,200
10	(br) Public assistance reform studies	GPR	C	525,300	525,300
11	(cm) Wisconsin works child care	GPR	A	16,449,400	16,449,400
12	(cr) State supplement to employment				
13	opportunity demonstration projects	GPR	A	250,000	250,000
14	(dc) Emergency assistance program	GPR	A	1,659,700	1,659,700
15	(dz) Wisconsin works and other public				
16	assistance administration and				
17	benefits	GPR	A	138,583,500	138,583,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(e) Job access loans	GPR	B	450,000	450,000
2	(em) Employment skills advancement				
3	program	GPR	A	50,000	50,000
4	(i) Gifts and grants	PR	C	15,900	15,900
5	(ja) Child support state operations-fees	PR	C	9,534,100	10,099,100
6	(jb) Fees for administrative services	PR	C	485,800	485,800
7	(jL) Job access loan repayments	PR	C	83,300	83,300
8	(k) Child support transfers	PR-S	C	36,188,500	33,188,500
9	(kp) Delinquent support, maintenance,				
10	and fee payments	PR-S	C	-0-	-0-
11	(kx) Interagency and intra-agency				
12	programs	PR-S	C	1,920,800	1,920,800
13	(ky) Interagency and intra-agency aids	PR-S	C	11,110,600	11,110,600
14	(kz) Interagency and intra-agency local				
15	assistance	PR-S	C	-0-	-0-
16	(L) Welfare fraud and error reductions;				
17	state operations	PR	A	970,400	982,900
18	(Lm) Welfare fraud and error reduction;				
19	local assistance	PR	C	1,469,800	1,469,800
20	(m) Federal project operations	PR-F	C	4,951,100	4,951,100
21	(ma) Federal project aids	PR-F	C	400,000	400,000
22	(mb) Federal project local assistance	PR-F	C	-0-	-0-
23	(mc) Federal block grant operations	PR-F	C	57,106,300	57,283,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(md) Federal block grant aids	PR-F	C	467,815,100	390,328,700
2	(mm) Reimbursements from federal				
3	government	PR-F	C	-0-	-0-
4	(n) Federal program operations	PR-F	C	46,357,900	46,364,200
5	(na) Federal program aids	PR-F	C	5,700,000	5,700,000
6	(nL) Federal program local assistance	PR-F	C	47,949,900	47,949,900
7	(pm) Food stamp employment and				
8	training program; administration	PR-F	C	406,300	406,300
9	(ps) Food stamp employment and				
10	training program; aids	PR-F	C	5,602,000	5,602,000
11	(pv) Food stamps; electronic benefit				
12	transfer	PR-F	C	-0-	-0-
13	(pz) Income augmentation services				
14	receipts	PR-F	C	-0-	-0-
15	(q) Centralized support receipt and				
16	disbursement; interest	SEG	S	1,300,000	1,300,000
17	(qm) Child support state ops and reimb				
18	for claims and expenses; unclaimed				
19	pymts	SEG	S	1,500,000	1,500,000
20	(r) Support receipt and disbursement				
21	program; payments	SEG	C	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			181,313,100	180,313,100
	PROGRAM REVENUE			698,067,800	618,342,800
	FEDERAL			(636,288,600)	(558,986,100)
	OTHER			(12,559,300)	(13,136,800)
	SERVICE			(49,219,900)	(46,219,900)

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
SEGREGATED FUNDS				2,800,000	2,800,000
OTHER				(2,800,000)	(2,800,000)
TOTAL-ALL SOURCES				882,180,900	801,455,900
1	(4) ADJUDICATION OF CLAIMS				
2	(a) Administration of mining damage				
3	claims	GPR	A	-0-	-0-
4	(b) Funding for mining damage claims	GPR	S	-0-	-0-
(4) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				-0-	-0-
TOTAL-ALL SOURCES				-0-	-0-
5	(5) VOCATIONAL REHABILITATION SERVICES				
6	(a) General program operations	GPR	A	5,648,200	5,648,200
7	(bm) Purchased services for clients	GPR	A	6,780,500	6,780,500
8	(gg) Contractual services	PR	C	30,300	30,300
9	(gp) Contractual services aids	PR	C	1,262,000	1,262,000
10	(h) Enterprises and services for blind				
11	and visually impaired	PR	C	130,800	130,800
12	(hd) Rehabilitation teaching aids	PR	A	-0-	-0-
13	(he) Supervised business enterprise	PR	C	180,000	180,000
14	(i) Gifts and grants	PR	C	10,000	10,000
15	(kg) Vocational rehabilitation services				
16	for tribes	PR-S	A	350,000	350,000
17	(kx) Interagency and intra-agency				
18	programs	PR-S	C	73,500	73,500
19	(ky) Interagency and intra-agency aids	PR-S	C	972,900	972,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kz) Interagency and intra-agency local				
2	assistance	PR-S	C	-0-	-0-
3	(m) Federal project operations	PR-F	C	135,000	135,000
4	(ma) Federal project aids	PR-F	C	1,218,600	1,218,600
5	(n) Federal program operations	PR-F	C	22,787,100	22,787,100
6	(na) Federal program aids	PR-F	C	30,634,300	30,634,300
7	(nL) Federal program local assistance	PR-F	C	-0-	-0-
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			12,428,700	12,428,700
	PROGRAM REVENUE			57,784,500	57,784,500
	FEDERAL			(54,775,000)	(54,775,000)
	OTHER			(1,613,100)	(1,613,100)
	SERVICE			(1,396,400)	(1,396,400)
	TOTAL-ALL SOURCES			70,213,200	70,213,200
8	(6) COMMUNITY SERVICE PROGRAMS				
9	(a) General program operations	GPR	A	289,900	289,900
10	(b) General enrollee operations	GPR	B	1,436,600	1,317,700
11	(j) General enrollee operations;				
12	sponsor contribution	PR	C	-0-	-0-
13	(ja) Administrative support; sponsor				
14	contribution	PR	C	-0-	-0-
15	(jb) Gifts and related support	PR	C	-0-	-0-
16	(k) General enrollee operations; service				
17	funds	PR-S	C	446,300	446,300
18	(kb) Interagency and intra-agency				
19	programs	PR-S	C	354,400	359,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(m) Federal aids	PR-F	C	3,354,300	3,354,300
2	(n) Federal program operations	PR-F	C	382,400	384,100
3	(u) General enrollee operations;				
4	conservation fund	SEG	B	2,775,000	2,565,000
5	(x) General enrollee operations;				
6	waterfront projects; conservation				
7	fund	SEG	B	141,700	-0-
8	(y) Administrative support;				
9	conservation fund	SEG	A	487,500	487,500
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,726,500	1,607,600
	PROGRAM REVENUE			4,537,400	4,544,300
	FEDERAL			(3,736,700)	(3,738,400)
	OTHER			(-0-)	(-0-)
	SERVICE			(800,700)	(805,900)
	SEGREGATED FUNDS			3,404,200	3,052,500
	OTHER			(3,404,200)	(3,052,500)
	TOTAL-ALL SOURCES			9,668,100	9,204,400
10	(7) GOVERNOR'S WORK-BASED LEARNING BOARD				
11	(a) General program operations	GPR	A	710,000	710,000
12	(b) Local youth apprenticeship grants	GPR	A	3,150,000	3,150,000
13	(ef) School-to-work programs for				
14	children at risk	GPR	A	300,000	300,000
15	(em) Youth apprenticeship training				
16	grants	GPR	A	-0-	-0-
17	(ga) Auxiliary services	PR	C	18,000	18,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kb) Funds transferred from the				
2	technical college system board;				
3	school-to-work	PR-S	C	2,289,200	2,289,200
4	(kc) Transfer of public assistance funds;				
5	work-based learning programs	PR-S	C	6,100,100	6,100,100
6	(kd) Transfer of Indian gaming receipts;				
7	work-based learning programs	PR	A	600,000	600,000
8	(kx) Interagency and intra-agency				
9	programs	PR-S	C	111,700	111,700
10	(m) Federal funds	PR-F	C	318,800	318,800
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,160,000	4,160,000
	PROGRAM REVENUE			9,437,800	9,437,800
	FEDERAL			(318,800)	(318,800)
	OTHER			(618,000)	(618,000)
	SERVICE			(8,501,000)	(8,501,000)
	TOTAL-ALL SOURCES			13,597,800	13,597,800
20.445 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			207,727,800	206,608,900
	PROGRAM REVENUE			972,760,400	882,383,300
	FEDERAL			(822,494,100)	(734,440,100)
	OTHER			(36,617,600)	(37,388,500)
	SERVICE			(113,648,700)	(110,554,700)
	SEGREGATED FUNDS			9,904,200	9,552,500
	OTHER			(9,904,200)	(9,552,500)
	TOTAL-ALL SOURCES			1,190,392,400	1,098,544,700
11	20.455 Justice, department of				
12	(1) LEGAL SERVICES				
13	(a) General program operations	GPR	A	10,487,800	10,511,700
14	(b) Special counsel	GPR	S	1,100,000	1,100,000
15	(d) Legal expenses	GPR	B	931,400	931,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(gh) Investigations and prosecution	PR	A	-0-	-0-
2	(gs) Delinquent obligation collection	PR	A	-0-	-0-
3	(hm) Restitution	PR	A	-0-	-0-
4	(k) Environment litigation project	PR-S	C	444,400	444,500
5	(km) Interagency and intra-agency				
6	assistance	PR-S	A	724,100	724,100
7	(kt) Telecommunications positions	PR-S	C	-0-	-0-
8	(m) Federal aid	PR-F	C	766,000	766,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			12,519,200	12,543,100
	PROGRAM REVENUE			1,934,500	1,934,600
	FEDERAL			(766,000)	(766,000)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,168,500)	(1,168,600)
	TOTAL-ALL SOURCES			14,453,700	14,477,700
9	(2) LAW ENFORCEMENT SERVICES				
10	(a) General program operations	GPR	A	14,725,900	15,101,300
11	(am) Officer training reimbursement	GPR	S	50,000	50,000
12	(b) Investigations and operations	GPR	A	-0-	-0-
13	(c) Crime laboratory equipment	GPR	B	-0-	-0-
14	(cm) Computers for transaction				
15	information for management of				
16	enforcement system	GPR	A	1,081,700	1,081,700
17	(dg) Weed and seed and law				
18	enforcement technology	GPR	A	500,000	500,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(dq) Law enforcement community				
2	policing grants	GPR	B	-0-	-0-
3	(e) Drug enforcement	GPR	A	-0-	-0-
4	(fm) Gaming law enforcement	GPR	A	-0-	-0-
5	(g) Gaming law enforcement; racing				
6	revenues	PR	A	123,900	125,300
7	(gc) Gaming law enforcement; Indian				
8	gaming	PR	A	103,900	105,600
9	(gm) Criminal history searches;				
10	fingerprint identification	PR	C	3,155,500	3,167,900
11	(gr) Gun purchaser record checks	PR	C	369,400	369,400
12	(h) Terminal charges	PR	A	2,599,600	2,599,600
13	(i) Law enforcement training fund				
14	assessment, receipts	PR	A	-0-	-0-
15	(j) Law enforcement training fund,				
16	local assistance	PR	A	5,312,700	5,345,700
17	(ja) Law enforcement training fund,				
18	state operations	PR	A	3,230,000	3,230,100
19	(jb) Crime laboratory equipment and				
20	supplies	PR	A	377,300	377,300
21	(k) Interagency and intra-agency				
22	assistance	PR-S	C	157,200	157,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kd) Drug law enforcement, crime				
2	laboratories, and genetic evidence				
3	activities	PR-S	A	3,454,500	3,380,100
4	(ke) Drug enforcement intelligence				
5	operations	PR-S	A	1,405,100	1,419,400
6	(kg) Interagency and intra-agency				
7	assistance; fingerprint				
8	identification	PR-S	A	940,100	2,200,100
9	(km) Lottery background investigations	PR-S	A	-0-	-0-
10	(Lm) Crime laboratories;				
11	deoxyribonucleic acid analysis	PR	C	508,600	512,000
12	(m) Federal aid, state operations	PR-F	C	1,100,400	1,101,900
13	(ma) Federal aid, drug enforcement	PR-F	C	-0-	-0-
14	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
15	(r) Gaming law enforcement; lottery				
16	revenues	SEG	A	285,300	289,100
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			16,357,600	16,733,000
	PROGRAM REVENUE			22,838,200	24,091,600
	FEDERAL			(1,100,400)	(1,101,900)
	OTHER			(15,780,900)	(15,832,900)
	SERVICE			(5,956,900)	(7,156,800)
	SEGREGATED FUNDS			285,300	289,100
	OTHER			(285,300)	(289,100)
	TOTAL-ALL SOURCES			39,481,100	41,113,700
17	(3) ADMINISTRATIVE SERVICES				
18	(a) General program operations	GPR	A	4,400,800	4,404,100
19	(g) Gifts, grants and proceeds	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(k) Interagency and intra-agency				
2	assistance	PR-S	A	-0-	-0-
3	(m) Federal aid, state operations	PR-F	C	-0-	-0-
4	(pz) Indirect cost reimbursements	PR-F	C	69,800	69,800
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,400,800	4,404,100
	PROGRAM REVENUE			69,800	69,800
	FEDERAL			(69,800)	(69,800)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			4,470,600	4,473,900
5	(5) VICTIMS AND WITNESSES				
6	(a) General program operations	GPR	A	955,900	958,500
7	(b) Awards for victims of crimes	GPR	A	1,324,200	1,324,200
8	(c) Reimbursement for victim and				
9	witness services	GPR	A	1,497,100	1,497,100
10	(g) Crime victim and witness				
11	assistance surcharge, general				
12	services	PR	A	2,352,000	2,566,600
13	(gc) Crime victim and witness				
14	surcharge, sexual assault victim				
15	services	PR	C	2,000,000	2,000,000
16	(h) Crime victim compensation services	PR	A	40,500	40,500
17	(i) Victim compensation, inmate				
18	payments	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(k) Interagency and intra-agency				
2	assistance; reimbursement to				
3	counties	PR-S	A	966,100	966,100
4	(kj) Victim payments, victim surcharge	PR-S	A	488,800	488,800
5	(kk) Reimbursement to counties for				
6	providing victim and witness				
7	services	PR-S	C	-0-	-0-
8	(kp) Reimbursement to counties for				
9	victim-witness services	PR-S	A	773,000	773,000
10	(m) Federal aid; victim compensation	PR-F	C	643,900	643,900
11	(ma) Federal aid, state operations	PR-F	C	132,700	133,100
12	(mh) Federal aid; victim assistance	PR-F	C	4,039,800	4,041,400
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,777,200	3,779,800
	PROGRAM REVENUE			11,436,800	11,653,400
	FEDERAL			(4,816,400)	(4,818,400)
	OTHER			(4,392,500)	(4,607,100)
	SERVICE			(2,227,900)	(2,227,900)
	TOTAL-ALL SOURCES			15,214,000	15,433,200
	20.455 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			37,054,800	37,460,000
	PROGRAM REVENUE			36,279,300	37,749,400
	FEDERAL			(6,752,600)	(6,756,100)
	OTHER			(20,173,400)	(20,440,000)
	SERVICE			(9,353,300)	(10,553,300)
	SEGREGATED FUNDS			285,300	289,100
	OTHER			(285,300)	(289,100)
	TOTAL-ALL SOURCES			73,619,400	75,498,500
13	20.465 Military affairs, department of				
14	(1) NATIONAL GUARD OPERATIONS				
15	(a) General program operations	GPR	A	4,516,700	4,516,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(b) Repair and maintenance	GPR	A	650,400	650,400
2	(c) Public emergencies	GPR	S	48,500	48,500
3	(d) Principal repayment and interest	GPR	S	2,984,900	2,757,200
4	(e) State service flags	GPR	A	400	400
5	(f) Energy costs	GPR	A	1,866,900	1,639,500
6	(g) Military property	PR	A	386,900	386,900
7	(h) Intergovernmental services	PR	A	215,500	215,500
8	(k) Armory store operations	PR-S	A	239,200	239,200
9	(km) Agency services	PR-S	A	68,300	68,300
10	(Li) Gifts and grants	PR	C	-0-	-0-
11	(m) Federal aid	PR-F	C	16,845,500	16,845,500
12	(pz) Indirect cost reimbursements	PR-F	C	401,800	403,800
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			10,067,800	9,612,700
	PROGRAM REVENUE			18,157,200	18,159,200
	FEDERAL			(17,247,300)	(17,249,300)
	OTHER			(602,400)	(602,400)
	SERVICE			(307,500)	(307,500)
	TOTAL-ALL SOURCES			28,225,000	27,771,900
13	(2) GUARD MEMBERS' BENEFITS				
14	(a) Tuition grants	GPR	B	4,277,300	4,554,700
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,277,300	4,554,700
	TOTAL-ALL SOURCES			4,277,300	4,554,700
15	(3) EMERGENCY MANAGEMENT SERVICES				
16	(a) General program operations	GPR	A	688,800	688,800

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(c) Helicopter support services	GPR	A	150,000	150,000
2	(dd) Regional emergency response				
3	teams	GPR	A	1,400,000	1,400,000
4	(dp) Emergency response equipment	GPR	A	568,000	568,000
5	(dr) Emergency response supplement	GPR	C	-0-	-0-
6	(dt) Emergency response training	GPR	B	64,900	64,900
7	(e) Disaster recovery aid	GPR	S	1,347,000	1,347,000
8	(f) Civil air patrol aids	GPR	A	19,000	19,000
9	(g) Program services	PR	A	1,071,400	1,071,400
10	(h) Interstate emergency assistance	PR	A	-0-	-0-
11	(i) Emergency planning and reporting;				
12	administration	PR	A	791,000	791,000
13	(j) Division of emergency				
14	management; gifts and grants	PR	C	-0-	-0-
15	(jm) Division of emergency				
16	management; emergency planning				
17	grants	PR	C	834,700	834,700
18	(jt) Regional emergency response				
19	reimbursement	PR	C	-0-	-0-
20	(m) Federal aid, state operations	PR-F	C	1,713,300	1,701,200
21	(n) Federal aid, local assistance	PR-F	C	8,306,700	8,306,700
22	(o) Federal aid, individuals and				
23	organizations	PR-F	C	1,926,400	1,926,400

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(r) Division of emergency				
2	management; petroleum inspection				
3	fund	SEG	A	465,700	465,700
4	(t) Emergency response training -				
5	environmental fund	SEG	B	10,500	10,500
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,237,700	4,237,700
	PROGRAM REVENUE			14,643,500	14,631,400
	FEDERAL			(11,946,400)	(11,934,300)
	OTHER			(2,697,100)	(2,697,100)
	SEGREGATED FUNDS			476,200	476,200
	OTHER			(476,200)	(476,200)
	TOTAL-ALL SOURCES			19,357,400	19,345,300
6	(4) NATIONAL GUARD YOUTH PROGRAMS				
7	(b) Badger challenge program	GPR	A	280,200	280,200
8	(c) Youth challenge program	GPR	A	1,289,400	1,290,400
9	(g) Program fees	PR	C	-0-	-0-
10	(h) Gifts, grants and contributions	PR	C	-0-	-0-
11	(k) Interagency assistance; badger				
12	challenge program	PR-S	C	93,400	93,400
13	(m) Federal aid - youth programs	PR-F	C	1,911,000	1,912,600
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,569,600	1,570,600
	PROGRAM REVENUE			2,004,400	2,006,000
	FEDERAL			(1,911,000)	(1,912,600)
	OTHER			(-0-)	(-0-)
	SERVICE			(93,400)	(93,400)
	TOTAL-ALL SOURCES			3,574,000	3,576,600
20.465 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			20,152,400	19,975,700
	PROGRAM REVENUE			34,805,100	34,796,600
	FEDERAL			(31,104,700)	(31,096,200)

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
	OTHER			(3,299,500)	(3,299,500)
	SERVICE			(400,900)	(400,900)
	SEGREGATED FUNDS			476,200	476,200
	OTHER			(476,200)	(476,200)
	TOTAL-ALL SOURCES			55,433,700	55,248,500
1	20.475 District attorneys				
2	(1) DISTRICT ATTORNEYS				
3	(d) Salaries and fringe benefits	GPR	A	36,114,900	36,114,900
4	(f) Firearm prosecution costs	GPR	A	76,000	78,300
5	(h) Gifts and grants	PR	C	1,227,400	1,248,000
6	(k) Interagency and intra-agency				
7	assistance	PR-S	C	-0-	-0-
8	(km) Deoxyribonucleic acid evidence				
9	activities	PR-S	A	116,400	122,100
10	(m) Federal aid	PR-F	C	-0-	-0-
	20.475 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			36,190,900	36,193,200
	PROGRAM REVENUE			1,343,800	1,370,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,227,400)	(1,248,000)
	SERVICE			(116,400)	(122,100)
	TOTAL-ALL SOURCES			37,534,700	37,563,300
11	20.485 Veterans affairs, department of				
12	(1) HOMES AND FACILITIES FOR VETERANS				
13	(b) General fund supplement to				
14	institutional operations	GPR	B	-0-	-0-
15	(d) Cemetery maintenance and				
16	beautification	GPR	A	24,900	24,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(e) Lease rental payments	GPR	S	-0-	-0-
2	(f) Principal repayment and interest	GPR	S	1,339,700	1,264,900
3	(g) Home exchange	PR	A	263,800	265,300
4	(gd) Veterans home cemetery operations	PR	C	5,000	5,000
5	(gk) Institutional operations	PR	A	42,889,300	42,745,800
6	(go) Self-amortizing housing facilities;				
7	principal repayment and interest	PR	S	390,800	934,300
8	(h) Gifts and bequests	PR	C	214,700	214,700
9	(hm) Gifts and grants	PR	C	-0-	-0-
10	(i) State-owned housing maintenance	PR	A	65,700	65,700
11	(j) Geriatric program receipts	PR	C	134,000	134,000
12	(m) Federal aid; care at veterans home	PR-F	C	-0-	-0-
13	(mj) Federal aid; geriatric unit	PR-F	C	-0-	-0-
14	(mn) Federal projects	PR-F	C	12,500	12,500
15	(t) Veterans home member accounts	SEG	C	-0-	-0-
16	(u) Rentals; improvements; equipment;				
17	land acquisition	SEG	A	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,364,600	1,289,800
	PROGRAM REVENUE			43,975,800	44,377,300
	FEDERAL			(12,500)	(12,500)
	OTHER			(43,963,300)	(44,364,800)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			45,340,400	45,667,100
18	(2) LOANS AND AIDS TO VETERANS				

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(c) Operation of Wisconsin veterans				
2	museum	GPR	A	633,200	633,200
3	(d) Veterans memorials at The				
4	Highground	GPR	C	-0-	-0-
5	(db) General fund supplement to				
6	veterans trust fund	GPR	A	-0-	-0-
7	(e) Veterans memorial grants	GPR	C	-0-	-0-
8	(em) Payments related to The				
9	Highground	GPR	C	-0-	-0-
10	(g) Consumer reporting agency fees	PR	C	-0-	-0-
11	(kg) American Indian services				
12	coordinator	PR-S	A	56,400	56,400
13	(km) American Indian grants	PR-S	A	15,000	15,000
14	(m) Federal aid; veterans training	PR-F	C	359,000	359,200
15	(mn) Federal projects; museum				
16	acquisitions and operations	PR-F	C	-0-	-0-
17	(q) Military honors funerals	SEG	B	100,000	125,000
18	(rm) Veterans assistance program	SEG	B	1,462,400	1,462,400
19	(rp) Veterans assistance program				
20	receipts	SEG	A	80,000	80,000
21	(s) Transportation grant	SEG	A	100,000	100,000
22	(tf) Veterans' tuition and fee				
23	reimbursement program	SEG	A	2,363,700	2,600,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(th) Correspondence courses and				
2	part-time classroom study	SEG	A	1,095,400	1,204,900
3	(tj) Retraining grant program	SEG	A	378,000	378,000
4	(tm) Facilities	SEG	C	-0-	-0-
5	(u) Administration of loans and aids to				
6	veterans	SEG	A	4,515,000	4,628,800
7	(v) Wisconsin veterans museum sales				
8	receipts	SEG	C	123,400	123,400
9	(vg) Grants for eye and dental care	SEG	A	1,200,000	1,200,000
10	(vj) Education center grant	SEG	B	200,000	-0-
11	(vm) Subsistence grants	SEG	A	500,600	575,600
12	(vo) Veterans of World War I	SEG	A	2,500	2,500
13	(vw) Payments to veterans organizations				
14	for claims service	SEG	A	105,000	105,000
15	(vx) County grants	SEG	A	296,000	296,000
16	(w) Home for needy veterans	SEG	C	10,000	10,000
17	(wd) Operation of Wisconsin veterans				
18	museum	SEG	A	1,098,200	994,300
19	(x) Federal per diem payments	SEG-F	A	332,700	519,700
20	(yg) Acquisition of 1981 revenue bond				
21	mortgages	SEG	S	-0-	-0-
22	(yn) Veterans trust fund loans and				
23	expenses	SEG	B	15,450,000	15,450,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(yo) Debt payment	SEG	S	-0-	-0-
2	(z) Gifts	SEG	C	-0-	-0-
3	(zm) Museum gifts and bequests	SEG	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			633,200	633,200
	PROGRAM REVENUE			430,400	430,600
	FEDERAL			(359,000)	(359,200)
	OTHER			(-0-)	(-0-)
	SERVICE			(71,400)	(71,400)
	SEGREGATED FUNDS			29,412,900	29,855,600
	FEDERAL			(332,700)	(519,700)
	OTHER			(29,080,200)	(29,335,900)
	TOTAL-ALL SOURCES			30,476,500	30,919,400
4	(3) SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS				
5	(b) Self insurance	GPR	S	-0-	-0-
6	(e) General program deficiency	GPR	S	-0-	-0-
7	(q) Foreclosure loss payments	SEG	C	801,000	801,000
8	(r) Funded reserves	SEG	C	50,000	50,000
9	(rm) Other reserves	SEG	C	-0-	-0-
10	(s) General program operations	SEG	A	5,138,300	4,630,400
11	(sm) County grants	SEG	A	444,000	444,000
12	(t) Debt service	SEG	C	78,144,900	84,078,700
13	(v) Revenue obligation repayment	SEG	C	-0-	-0-
14	(w) Revenue obligation funding	SEG	C	-0-	-0-
15	(wd) Loan-servicing administration	SEG	A	1,297,000	898,800
16	(wg) Escrow payments, recoveries, and				
17	refunds	SEG	C	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(wp) Loan-servicing rights	SEG	B	3,543,600	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			89,418,800	90,902,900
	OTHER			(89,418,800)	(90,902,900)
	TOTAL-ALL SOURCES			89,418,800	90,902,900
2	(4) VETERANS MEMORIAL CEMETERIES				
3	(g) Cemetery operations	PR	A	18,200	18,200
4	(h) Gifts, grants and bequests	PR	C	-0-	-0-
5	(m) Federal aid; cemetery operations				
6	and burials	PR-F	C	57,400	57,400
7	(q) Cemetery administration and				
8	maintenance	SEG	A	662,300	662,300
9	(qm) Repayment of principal and				
10	interest	SEG	S	84,100	83,600
11	(r) Cemetery energy costs	SEG	A	21,800	21,800
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			75,600	75,600
	FEDERAL			(57,400)	(57,400)
	OTHER			(18,200)	(18,200)
	SEGREGATED FUNDS			768,200	767,700
	OTHER			(768,200)	(767,700)
	TOTAL-ALL SOURCES			843,800	843,300
12	(5) EDUCATIONAL APPROVAL BOARD				
13	(g) Proprietary school programs	PR-S	A	430,200	433,700
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			430,200	433,700
	SERVICE			(430,200)	(433,700)
	TOTAL-ALL SOURCES			430,200	433,700
	20.485 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,997,800	1,923,000

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
PROGRAM REVENUE			44,912,000	45,317,200
FEDERAL			(428,900)	(429,100)
OTHER			(43,981,500)	(44,383,000)
SERVICE			(501,600)	(505,100)
SEGREGATED FUNDS			119,599,900	121,526,200
FEDERAL			(332,700)	(519,700)
OTHER			(119,267,200)	(121,006,500)
TOTAL-ALL SOURCES			166,509,700	168,766,400

1 **20.490 Wisconsin housing and economic development authority**

2 (1) FACILITATION OF CONSTRUCTION

3 (a) Capital reserve fund deficiency GPR C -0- -0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES -0- -0-

TOTAL-ALL SOURCES -0- -0-

4 (2) HOUSING REHABILITATION LOAN PROGRAM

5 (a) General program operations GPR C -0- -0-

6 (q) Loan loss reserve fund SEG C -0- -0-

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES -0- -0-

SEGREGATED FUNDS -0- -0-

OTHER (-0-) (-0-)

TOTAL-ALL SOURCES -0- -0-

7 (4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE

8 (g) Disadvantaged business

9 mobilization loan guarantee PR C -0- -0-

(4) PROGRAM TOTALS

PROGRAM REVENUE -0- -0-

OTHER (-0-) (-0-)

TOTAL-ALL SOURCES -0- -0-

10 (5) WISCONSIN DEVELOPMENT LOAN GUARANTEES

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(a) Wisconsin development reserve				
2	fund	GPR	C	-0-	-0-
3	(q) Recycling fund transfer to				
4	Wisconsin development reserve				
5	fund	SEG	C	-0-	-0-
6	(r) Agrichemical management fund				
7	transfer to Wisconsin development				
8	reserve fd.	SEG	C	-0-	-0-
9	(s) Petroleum inspection fund transfer				
10	to WDRF	SEG	A	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
11	(6) WISCONSIN JOB TRAINING LOAN GUARANTEES				
12	(a) Wisconsin job training reserve fund	GPR	S	-0-	-0-
13	(k) Department of commerce				
14	appropriation transfer to Wisconsin				
15	job training	PR-S	C	-0-	-0-
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.490 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-

1 20.495 University of Wisconsin hospitals and clinics board**2 (1) CONTRACTUAL SERVICES****3 (g) General program operations PR C 79,539,700 82,707,300****20.495 DEPARTMENT TOTALS**

PROGRAM REVENUE			79,539,700	82,707,300
OTHER			(79,539,700)	(82,707,300)
TOTAL-ALL SOURCES			79,539,700	82,707,300

Human Relations and Resources

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES			3,088,234,800	3,142,917,400
PROGRAM REVENUE			4,362,263,900	4,385,455,900
FEDERAL			(3,538,311,100)	(3,563,497,500)
OTHER			(489,863,900)	(498,196,800)
SERVICE			(334,088,900)	(323,761,600)
SEGREGATED FUNDS			302,730,400	344,541,300
FEDERAL			(332,700)	(519,700)
OTHER			(302,397,700)	(344,021,600)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			7,753,229,100	7,872,914,600

General Executive Functions**4 20.505 Administration, department of****5 (1) SUPERVISION AND MANAGEMENT****6 (a) General program operations GPR A 9,070,700 7,087,000****7 (b) Midwest interstate low-level
8 radioactive waste compact; loan****9 from gen. fund GPR C -0- -0-****10 (cm) Comprehensive planning grants;****11 general purpose revenue GPR A 1,500,000 1,500,000**

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(cn) Comprehensive planning;				
2	administrative support	GPR	A	49,400	49,400
3	(dm) Sale of tobacco settlement				
4	payments	GPR	S	500,000	-0-
5	(f) Badger state games assistance	GPR	A	50,000	50,000
6	(fo) Federal resource acquisition				
7	support grants	GPR	A	100,000	100,000
8	(g) Midwest interstate low-level				
9	radioactive waste compact;				
10	membership & costs	PR	A	60,700	60,700
11	(ge) High-voltage transmission line				
12	annual impact fee distributions	PR	C	-0-	-0-
13	(gs) High-voltage transmission line				
14	environmental impact fee				
15	distributions	PR	C	-0-	-0-
16	(ie) Land information; proposed				
17	incorporations and annexations	PR	C	2,113,000	2,113,000
18	(if) Comprehensive planning grants;				
19	program revenue	PR	A	500,000	500,000
20	(im) Services to nonstate governmental				
21	units	PR	A	1,345,400	1,326,200
22	(iu) Plat and proposed incorporation				
23	and annexation review	PR	C	480,400	480,400
24	(j) Gifts, grants and bequests	PR	C	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ka) Materials and services to state				
2	agencies and certain districts	PR-S	A	5,528,300	5,630,800
3	(kb) Transportation, records, and				
4	document services	PR-S	A	26,220,700	22,093,000
5	(kc) Capital planning and building				
6	construction services	PR-S	A	11,034,900	11,057,300
7	(kf) Procurement services	PR-S	C	671,500	3,308,500
8	(kj) Financial services	PR-S	A	8,808,300	8,808,300
9	(kt) Soil surveys and mapping and				
10	Wisconsin land council	PR-S	C	287,300	219,000
11	(mb) Federal aid	PR-F	C	2,970,400	2,970,400
12	(md) Oil overcharge restitution funds	PR-F	C	6,874,700	6,874,700
13	(ng) Sale of forest products; funds for				
14	public schools and public roads	PR	C	-0-	-0-
15	(pz) Indirect cost reimbursements	PR-F	C	231,900	231,900
16	(q) Stray voltage and electrical wiring				
17	assistance	SEG	B	-0-	-0-
18	(r) VendorNet fund administration	SEG	A	90,200	90,200
19	(v) General program operations —				
20	environmental improvement				
21	programs; state funds	SEG	A	795,000	795,000
22	(x) General program operations —				
23	clean water fund program; federal				
24	funds	SEG-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(y) General program operations — safe				
2	drinking water loan program;				
3	federal funds	SEG-F	C	-0-	-0-
4	(z) Transportation planning grants to				
5	local governmental units	SEG-S	B	1,000,000	1,000,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			11,270,100	8,786,400
	PROGRAM REVENUE			67,127,500	65,674,200
	FEDERAL			(10,077,000)	(10,077,000)
	OTHER			(4,499,500)	(4,480,300)
	SERVICE			(52,551,000)	(51,116,900)
	SEGREGATED FUNDS			1,885,200	1,885,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(885,200)	(885,200)
	SERVICE			(1,000,000)	(1,000,000)
	TOTAL-ALL SOURCES			80,282,800	76,345,800
6	(2) RISK MANAGEMENT				
7	(a) General fund supplement — risk				
8	management claims	GPR	S	-0-	-0-
9	(k) Risk management costs	PR-S	C	20,100,000	20,895,000
10	(ki) Risk management administration	PR-S	A	4,741,200	4,741,200
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			24,841,200	25,636,200
	SERVICE			(24,841,200)	(25,636,200)
	TOTAL-ALL SOURCES			24,841,200	25,636,200
11	(3) UTILITY PUBLIC BENEFITS AND AIR QUALITY IMPROVEMENT				
12	(q) General program operations	SEG	A	12,384,200	12,384,200
13	(r) Low-income assistance grants	SEG	S	20,500,000	20,500,000
14	(rr) Air quality improvement grants	SEG	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(s) Energy conservation and efficiency				
2	and renewable resource grants	SEG	S	16,500,000	16,500,000
(3) PROGRAM TOTALS					
	SEGREGATED FUNDS			49,384,200	49,384,200
	OTHER			(49,384,200)	(49,384,200)
	TOTAL-ALL SOURCES			49,384,200	49,384,200
3	(4) ATTACHED DIVISIONS AND OTHER BODIES				
4	(a) Adjudication of tax appeals	GPR	A	626,300	630,500
5	(b) Adjudication of equalization				
6	appeals	GPR	S	-0-	-0-
7	(ba) General program operations	GPR	A	409,800	359,800
8	(cw) Board on education evaluation and				
9	accountability; general program ops	GPR	A	-0-	11,811,500
10	(d) Claims awards	GPR	S	25,000	25,000
11	(ea) Women's council operations	GPR	A	104,200	104,200
12	(ec) Volunteer firefighter & EMT service				
13	award pgm; general program				
14	operations	GPR	A	21,400	21,400
15	(er) Volunteer firefighter & EMT service				
16	award pgm; state matching awards	GPR	S	600,000	600,000
17	(f) Hearings and appeals operations	GPR	A	2,089,300	2,089,300
18	(h) Program services	PR	A	32,100	32,100
19	(k) Waste facility siting board; general				
20	program operations	PR-S	A	129,600	129,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ka) State use board — general program				
2	operations	PR-S	A	97,900	97,900
3	(kp) Hearings and appeals fees	PR-S	A	2,431,500	2,436,500
4	(r) State capitol and executive				
5	residence board; gifts and grants	SEG	C	-0-	-0-
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,876,000	15,641,700
	PROGRAM REVENUE			2,691,100	2,696,100
	OTHER			(32,100)	(32,100)
	SERVICE			(2,659,000)	(2,664,000)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			6,567,100	18,337,800
6	(5) FACILITIES MANAGEMENT				
7	(c) Principal repayment and interest;				
8	Black Point Estate	GPR	S	35,500	88,100
9	(g) Principal repayment, interest and				
10	rebates; parking	PR-S	S	1,253,400	1,252,400
11	(ka) Facility operations and				
12	maintenance; police and protection				
13	functions	PR-S	A	37,304,700	37,859,200
14	(kb) Parking	PR	A	1,114,900	1,114,900
15	(kc) Principal repayment, interest and				
16	rebates	PR-S	C	13,583,500	12,945,000
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			35,500	88,100
	PROGRAM REVENUE			53,256,500	53,171,500
	OTHER			(1,114,900)	(1,114,900)
	SERVICE			(52,141,600)	(52,056,600)
	TOTAL-ALL SOURCES			53,292,000	53,259,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(6) OFFICE OF JUSTICE ASSISTANCE				
2	(a) General program operations; youth				
3	diversion	GPR	A	787,400	787,900
4	(c) Law enforcement officer				
5	supplement grants	GPR	A	1,000,000	1,000,000
6	(i) Gifts and grants	PR	C	-0-	-0-
7	(j) Penalty assessment surcharge				
8	receipts	PR	C	-0-	-0-
9	(k) Law enforcement programs -				
10	administration; youth diversion	PR-S	A	872,600	873,200
11	(km) Interagency and intra-agency				
12	programs	PR-S	C	300,000	300,000
13	(kp) Anti-drug enforcement program,				
14	penalty assessment - state and				
15	local	PR-S	A	3,059,800	3,470,400
16	(kq) County and tribal law enforcement				
17	assistance	PR	A	2,008,400	2,008,400
18	(m) Federal aid, justice assistance,				
19	state operations	PR-F	C	8,586,900	10,057,600
20	(p) Federal aid, local assistance and				
21	aids	PR-F	C	16,514,900	16,054,500
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,787,400	1,787,900
	PROGRAM REVENUE			31,342,600	32,764,100
	FEDERAL			(25,101,800)	(26,112,100)
	OTHER			(2,008,400)	(2,008,400)

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
	SERVICE			(4,232,400)	(4,643,600)
	TOTAL-ALL SOURCES			33,130,000	34,552,000
1	(7) HOUSING ASSISTANCE				
2	(a) General program operations	GPR	A	994,900	994,900
3	(b) Housing grants and loans	GPR	B	3,300,300	3,300,300
4	(c) Payments to designated agents	GPR	A	-0-	-0-
5	(fm) Shelter for homeless and				
6	transitional housing grants	GPR	A	1,506,000	1,506,000
7	(h) Funding for the homeless	PR	C	-0-	-0-
8	(jf) Mobile home parks, dealers and				
9	salespersons	PR	A	-0-	-0-
10	(kg) Housing program materials and				
11	services and weatherization				
12	assistance	PR-S	C	16,712,500	16,712,500
13	(m) Federal aid; state operations	PR-F	C	4,277,400	4,277,400
14	(o) Federal aid; local assistance and				
15	aids	PR-F	C	84,000,000	84,000,000
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,801,200	5,801,200
	PROGRAM REVENUE			104,989,900	104,989,900
	FEDERAL			(88,277,400)	(88,277,400)
	OTHER			(-0-)	(-0-)
	SERVICE			(16,712,500)	(16,712,500)
	TOTAL-ALL SOURCES			110,791,100	110,791,100
16	(8) DIVISION OF GAMING				
17	(am) Interest on racing and bingo				
18	moneys	GPR	S	-0-	-0-

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(g) General program operations; racing	PR	A	2,218,300	2,218,300
2	(h) General program operations; Indian				
3	gaming	PR	A	1,416,500	1,416,500
4	(hm) Indian gaming receipts	PR	C	200,000	200,000
5	(j) General program operations; raffles				
6	and crane games	PR	A	177,400	177,400
7	(jm) General program operations; bingo	PR	A	253,800	253,800
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			4,266,000	4,266,000
	OTHER			(4,266,000)	(4,266,000)
	TOTAL-ALL SOURCES			4,266,000	4,266,000
8	(9) BROADCASTING				
9	(a) Emergency weather warning				
10	system operation	GPR	A	-0-	-0-
11	(b) Former educational				
12	communications board principal				
13	repayment and interest	GPR	S	-0-	-0-
14	(g) Contract services to broadcasting				
15	corporation	PR-S	C	-0-	-0-
16	(h) Lease payments for educational				
17	broadcasting facilities	PR-S	C	-0-	-0-
18	(k) Public broadcasting corporation				
19	grant	PR-S	C	-0-	-0-
	(9) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-

20.505 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			22,770,200	32,105,300
PROGRAM REVENUE			288,514,800	289,198,000
FEDERAL			(123,456,200)	(124,466,500)
OTHER			(11,920,900)	(11,901,700)
SERVICE			(153,137,700)	(152,829,800)
SEGREGATED FUNDS			51,269,400	51,269,400
FEDERAL			(-0-)	(-0-)
OTHER			(50,269,400)	(50,269,400)
SERVICE			(1,000,000)	(1,000,000)
TOTAL-ALL SOURCES			362,554,400	372,572,700

1 20.507 Board of commissioners of public lands

2 (1) TRUST LANDS AND INVESTMENTS

3 (h) Trust lands and investments -

4 general program operations PR-S A 1,408,100 1,366,200

5 (j) Payments to American Indian

6 tribes or bands for raised sunken

7 logs PR C -0- -0-

8 (k) Trust lands and investments -

9 interagency and intra-agency

10 assistance PR-S A -0- -0-

11 (mg) Federal aid — flood control PR-F C 52,700 52,700

20.507 DEPARTMENT TOTALS

PROGRAM REVENUE			1,460,800	1,418,900
FEDERAL			(52,700)	(52,700)
OTHER			(-0-)	(-0-)
SERVICE			(1,408,100)	(1,366,200)
TOTAL-ALL SOURCES			1,460,800	1,418,900

12 20.510 Elections board

13 (1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(a) General program operations;				
2	general purpose revenue	GPR	B	962,900	1,001,000
3	(b) Unpaid municipal election expenses	GPR	S	-0-	-0-
4	(d) Grants to counties and				
5	municipalities	GPR	A	-0-	70,000
6	(g) Recount fees	PR	C	-0-	-0-
7	(gm) Municipal election expenses	PR	C	-0-	-0-
8	(h) Materials and services	PR	A	15,000	15,000
9	(i) General program operations;				
10	program revenue	PR	A	27,200	27,200
11	(j) Electronic filing software	PR	C	-0-	-0-
12	(q) Wisconsin election campaign fund	SEG	C	100,000	700,000
20.510 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			962,900	1,071,000
	PROGRAM REVENUE			42,200	42,200
	OTHER			(42,200)	(42,200)
	SEGREGATED FUNDS			100,000	700,000
	OTHER			(100,000)	(700,000)
	TOTAL-ALL SOURCES			1,105,100	1,813,200
13	20.512 Employment relations, department of				
14	(1) EMPLOYMENT RELATIONS				
15	(a) General program operations	GPR	A	5,870,400	5,870,400
16	(i) Services to nonstate governmental				
17	units	PR	A	179,400	179,400
18	(j) Gifts and donations	PR	C	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(jm) Employee development and				
2	training services	PR	A	371,300	371,300
3	(k) Funds received from other state				
4	agencies	PR-S	C	16,000	16,000
5	(ka) Publications	PR-S	A	184,500	184,500
6	(km) Collective bargaining grievance				
7	arbitrations	PR-S	A	85,200	85,200
8	(m) Federal grants and contracts	PR-F	C	-0-	-0-
9	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,870,400	5,870,400
	PROGRAM REVENUE			836,400	836,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(550,700)	(550,700)
	SERVICE			(285,700)	(285,700)
	TOTAL-ALL SOURCES			6,706,800	6,706,800
10	(2) AFFIRMATIVE ACTION COUNCIL				
11	(a) General program operations	GPR	A	-0-	-0-
12	(j) Gifts and donations	PR	C	-0-	-0-
13	(m) Federal grants and contracts	PR-F	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.512 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			5,870,400	5,870,400
	PROGRAM REVENUE			836,400	836,400
	FEDERAL			(-0-)	(-0-)
	OTHER			(550,700)	(550,700)

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
SERVICE			(285,700)	(285,700)
TOTAL-ALL SOURCES			6,706,800	6,706,800
1 20.515 Employee trust funds, department of				
2 (1) EMPLOYEE BENEFIT PLANS				
3 (a) Annuity supplements and				
4 payments	GPR	S	4,149,500	3,614,600
5 (b) Health insurance payments for				
6 certain retired state employees	GPR	S	5,400	5,400
7 (c) Contingencies	GPR	S	-0-	-0-
8 (t) Automated operating system	SEG	C	5,042,200	983,000
9 (u) Employee-funded reimbursement				
10 account plan	SEG	C	-0-	-0-
11 (um) Benefit administration	SEG	B	5,000	5,000
12 (ut) Health insurance data collection				
13 and analysis contracts	SEG	A	269,800	269,800
14 (w) Administration	SEG	A	16,406,400	15,953,900
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,154,900	3,620,000
SEGREGATED FUNDS			21,723,400	17,211,700
OTHER			(21,723,400)	(17,211,700)
TOTAL-ALL SOURCES			25,878,300	20,831,700
15 (2) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM				
16 (a) Private employer health care				
17 coverage program; operating costs	GPR	B	-0-	-0-
18 (b) Grants for program administration	GPR	B	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(g) Private employer health care				
2	coverage plan	PR	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.515 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			4,154,900	3,620,000
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			21,723,400	17,211,700
	OTHER			(21,723,400)	(17,211,700)
	TOTAL-ALL SOURCES			25,878,300	20,831,700
3	20.521 Ethics board				
4	(1) ETHICS AND LOBBYING REGULATION				
5	(a) General program operations;				
6	general purpose revenue	GPR	A	247,300	247,300
7	(g) General program operations;				
8	program revenue	PR	A	348,300	348,300
9	(h) Gifts and grants	PR	C	-0-	-0-
10	(i) Materials and services	PR	A	15,000	15,000
	20.521 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			247,300	247,300
	PROGRAM REVENUE			363,300	363,300
	OTHER			(363,300)	(363,300)
	TOTAL-ALL SOURCES			610,600	610,600
11	20.525 Office of the governor				
12	(1) EXECUTIVE ADMINISTRATION				
13	(a) General program operations	GPR	S	3,192,500	3,190,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03	
1	(b) Contingent fund	GPR	S	21,700	21,700	
2	(c) Membership in national					
3	associations	GPR	S	111,400	111,400	
4	(d) Disability board	GPR	S	-0-	-0-	
5	(f) Literacy improvement aids	GPR	A	28,000	28,000	
6	(fr) Children's cabinet board; grants	GPR	A	-0-	250,000	
7	(i) Gifts and grants	PR	C	-0-	-0-	
8	(kb) Assistance from the department of					
9	workforce development	PR-S	C	26,000	26,000	
10	(kd) Children's cabinet board; general					
11	program operations	PR-S	C	49,800	59,400	
12	(kf) Literacy improvement aids;					
13	program revenues	PR-S	A	25,000	25,000	
14	(m) Federal aid	PR-F	C	-0-	-0-	
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,353,600	3,601,100	
	PROGRAM REVENUE			100,800	110,400	
	FEDERAL			(-0-)	(-0-)	
	OTHER			(-0-)	(-0-)	
	SERVICE			(100,800)	(110,400)	
	TOTAL-ALL SOURCES			3,454,400	3,711,500	
15	(2) EXECUTIVE RESIDENCE					
16	(a) General program operations	GPR	S	195,300	195,300	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			195,300	195,300	
	TOTAL-ALL SOURCES			195,300	195,300	
	20.525 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			3,548,900	3,796,400	
	PROGRAM REVENUE			100,800	110,400	

SENATE BILL 55

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(100,800)	(110,400)
TOTAL-ALL SOURCES			3,649,700	3,906,800
1 20.530 Electronic government, department of				
2 (1) INFORMATION TECHNOLOGY MANAGEMENT AND SERVICES				
3 (g) Gifts, grants, and bequests	PR	C	-0-	-0-
4 (ir) Relay service	PR-S	A	5,013,500	5,013,500
5 (is) General program operations;				
6 services to non-state entities	PR	C	12,666,600	12,666,600
7 (it) Electronic communications				
8 services; non-state entities	PR	C	-0-	-0-
9 (ke) General program operations;				
10 services to state agencies	PR-S	C	110,095,400	110,141,300
11 (kf) Electronic communications				
12 services; state agencies	PR-S	C	-0-	-0-
13 (kp) Justice information systems	PR-S	A	3,759,800	3,759,800
14 (kq) Justice information systems				
15 development, operation and				
16 maintenance	PR-S	A	908,500	908,500
17 (m) Federal aid	PR-F	C	-0-	-0-
20.530 DEPARTMENT TOTALS				
PROGRAM REVENUE			132,443,800	132,489,700
FEDERAL			(-0-)	(-0-)
OTHER			(12,666,600)	(12,666,600)
SERVICE			(119,777,200)	(119,823,100)
TOTAL-ALL SOURCES			132,443,800	132,489,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	20.536 Investment board				
2	(1) INVESTMENT OF FUNDS				
3	(k) General program operations	PR	C	19,552,200	19,552,200
4	(ka) General program operations;				
5	environmental improvement fund	PR-S	C	-0-	-0-
	20.536 DEPARTMENT TOTALS				
	PROGRAM REVENUE			19,552,200	19,552,200
	OTHER			(19,552,200)	(19,552,200)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			19,552,200	19,552,200
6	20.540 Office of the lieutenant governor				
7	(1) EXECUTIVE COORDINATION				
8	(a) General program operations	GPR	A	563,300	563,300
9	(g) Gifts, grants and proceeds	PR	C	-0-	-0-
10	(k) Grants from state agencies	PR-S	C	-0-	-0-
11	(m) Federal aid	PR-F	C	-0-	-0-
	20.540 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			563,300	563,300
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			563,300	563,300
12	20.547 Personnel commission				
13	(1) REVIEW OF PERSONNEL DECISIONS				
14	(a) General program operations	GPR	A	859,700	861,900
15	(h) Publications	PR	A	3,000	3,000
16	(m) Federal aid	PR-F	C	-0-	-0-

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
	20.547 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			859,700	861,900
	PROGRAM REVENUE			3,000	3,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(3,000)	(3,000)
	TOTAL-ALL SOURCES			862,700	864,900
1	20.550 Public defender board				
2	(1) LEGAL ASSISTANCE				
3	(a) Program administration	GPR	A	2,492,300	2,504,800
4	(b) Appellate representation	GPR	A	4,186,200	4,190,300
5	(c) Trial representation	GPR	A	34,456,200	34,471,900
6	(d) Private bar and investigator				
7	reimbursement	GPR	B	18,826,700	18,826,700
8	(e) Private bar and investigator				
9	payments; administration costs	GPR	A	647,000	647,000
10	(f) Transcripts, discovery and				
11	interpreters	GPR	A	1,409,600	1,409,600
12	(fb) Payments from clients;				
13	administrative costs	PR	A	134,400	134,400
14	(g) Gifts and grants	PR	C	-0-	-0-
15	(h) Contractual agreements	PR-S	A	-0-	-0-
16	(i) Tuition payments	PR	C	-0-	-0-
17	(kj) Conferences and training	PR-S	A	127,800	127,800
18	(L) Private bar and inv.				
19	reimbursement; payments for legal				
20	representation	PR	C	1,024,700	1,024,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(m) Federal aid	PR-F	C	-0-	-0-
2 0 . 5 5 0 D E P A R T M E N T T O T A L S					
	GENERAL PURPOSE REVENUES			62,018,000	62,050,300
	PROGRAM REVENUE			1,286,900	1,286,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,159,100)	(1,159,100)
	SERVICE			(127,800)	(127,800)
	TOTAL-ALL SOURCES			63,304,900	63,337,200
2	20.566 Revenue, department of				
3	(1) COLLECTION OF TAXES				
4	(a) General program operations	GPR	A	44,231,500	45,265,200
5	(g) Administration of county sales and				
6	use taxes	PR	A	3,089,900	3,089,900
7	(ga) Cigarette tax stamps	PR	A	179,100	179,100
8	(gb) Business tax registration	PR	A	1,496,000	1,496,000
9	(gd) Administration of special district				
10	taxes	PR	A	404,800	404,800
11	(ge) Administration of local professional				
12	football stadium districts	PR	A	3,400	3,400
13	(gf) Administration of resort tax	PR	A	23,900	23,900
14	(gg) Administration of local taxes	PR	A	305,900	305,900
15	(gm) Administration of tax on controlled				
16	substances dealers	PR	A	-0-	-0-
17	(h) Debt collection	PR	A	317,200	317,200
18	(ha) Administration of liquor tax	PR	A	237,000	237,000
19	(hm) Collections under contracts	PR	S	354,200	354,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(hp) Administration of endang resources				
2	& prof football distr voluntary				
3	pymts	PR	A	35,600	35,600
4	(i) Gifts and grants	PR	C	-0-	-0-
5	(m) Federal funds; state operations	PR-F	C	-0-	-0-
6	(q) Recycling surcharge administration	SEG	A	258,800	258,800
7	(qm) Administration of rental vehicle fee	SEG	A	30,400	30,400
8	(r) Administration of dry cleaner fees	SEG	A	58,300	58,300
9	(s) Petroleum inspection fee collection	SEG	A	148,200	148,200
10	(u) Motor fuel tax administration	SEG	A	1,197,700	1,197,700
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			44,231,500	45,265,200
	PROGRAM REVENUE			6,447,000	6,447,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(6,447,000)	(6,447,000)
	SEGREGATED FUNDS			1,693,400	1,693,400
	OTHER			(1,693,400)	(1,693,400)
	TOTAL-ALL SOURCES			52,371,900	53,405,600
11	(2) STATE AND LOCAL FINANCE				
12	(a) General program operations	GPR	A	10,777,100	10,777,100
13	(am) Lottery and gaming credit				
14	administration	GPR	A	-0-	-0-
15	(g) County assessment studies	PR	C	-0-	-0-
16	(gi) Municipal finance report				
17	compliance	PR	A	40,300	40,300
18	(h) Reassessments	PR	A	635,500	635,500

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(hi) Wisconsin property assessment				
2	manual	PR	A	68,100	68,100
3	(i) Gifts and grants	PR	C	-0-	-0-
4	(m) Federal funds; state operations	PR-F	C	-0-	-0-
5	(q) Railroad and air carrier tax				
6	administration	SEG	A	190,400	190,400
7	(r) Lottery credit administration	SEG	A	203,900	203,900
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			10,777,100	10,777,100
	PROGRAM REVENUE			743,900	743,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(743,900)	(743,900)
	SEGREGATED FUNDS			394,300	394,300
	OTHER			(394,300)	(394,300)
	TOTAL-ALL SOURCES			11,915,300	11,915,300
8	(3) ADMINISTRATIVE SERVICES AND SPACE RENTAL				
9	(a) General program operations	GPR	A	21,232,400	21,232,400
10	(b) Integrated tax system technology	GPR	A	5,701,000	5,701,000
11	(c) Expert professional services	GPR	B	30,000	30,000
12	(g) Services	PR	A	56,200	56,200
13	(gm) Reciprocity agreement and				
14	publications	PR	A	201,200	201,200
15	(go) Reciprocity agreement; Illinois	PR	A	-0-	-0-
16	(i) Gifts and grants	PR	C	-0-	-0-
17	(k) Internal services	PR-S	A	288,900	288,900
18	(m) Federal funds; state operations	PR-F	C	-0-	-0-

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03	
(3) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				26,963,400	26,963,400	
PROGRAM REVENUE				546,300	546,300	
FEDERAL				(-0-)	(-0-)	
OTHER				(257,400)	(257,400)	
SERVICE				(288,900)	(288,900)	
TOTAL-ALL SOURCES				27,509,700	27,509,700	
1	(7)	INVESTMENT AND LOCAL IMPACT FUND				
2	(e)	Investment and local impact fund				
3		supplement	GPR	A	-0-	-0-
4	(g)	Investment and local impact fund				
5		administrative expenses	PR	A	-0-	-0-
6	(n)	Federal mining revenue				
			PR-F	C	-0-	-0-
7	(v)	Investment and local impact fund				
			SEG	C	-0-	-0-
(7) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				-0-	-0-	
PROGRAM REVENUE				-0-	-0-	
FEDERAL				(-0-)	(-0-)	
OTHER				(-0-)	(-0-)	
SEGREGATED FUNDS				-0-	-0-	
OTHER				(-0-)	(-0-)	
TOTAL-ALL SOURCES				-0-	-0-	
8	(8)	LOTTERY				
9	(q)	General program operations				
			SEG	A	21,519,600	21,510,500
10	(r)	Retailer compensation				
			SEG	S	29,368,800	29,559,100
11	(s)	Prizes				
			SEG	S	-0-	-0-
12	(v)	Vendor fees				
			SEG	S	12,585,000	12,803,800
(8) PROGRAM TOTALS						
SEGREGATED FUNDS				63,473,400	63,873,400	
OTHER				(63,473,400)	(63,873,400)	
TOTAL-ALL SOURCES				63,473,400	63,873,400	

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
20.566 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			81,972,000	83,005,700
PROGRAM REVENUE			7,737,200	7,737,200
FEDERAL			(-0-)	(-0-)
OTHER			(7,448,300)	(7,448,300)
SERVICE			(288,900)	(288,900)
SEGREGATED FUNDS			65,561,100	65,961,100
OTHER			(65,561,100)	(65,961,100)
TOTAL-ALL SOURCES			155,270,300	156,704,000

1 **20.575 Secretary of state**

2 (1) MANAGING AND OPERATING PROGRAM RESPONSIBILITIES

3	(g)	Program fees	PR	A	699,900	700,300
4	(ka)	Agency collections	PR-S	A	4,000	4,000

20.575 DEPARTMENT TOTALS

PROGRAM REVENUE	703,900	704,300
OTHER	(699,900)	(700,300)
SERVICE	(4,000)	(4,000)
TOTAL-ALL SOURCES	703,900	704,300

5 **20.585 Treasurer, state**

6 (1) CUSTODIAN OF STATE FUNDS

7	(b)	Insurance	GPR	A	-0-	-0-
8	(e)	Unclaimed property; contingency				
9		appropriation	GPR	S	-0-	-0-
10	(g)	Processing services	PR	A	193,900	186,900
11	(h)	Training conferences	PR	C	-0-	-0-
12	(i)	Gifts and grants	PR	C	-0-	-0-
13	(j)	Unclaimed property	PR	C	996,600	996,600
14	(jt)	Allocation - cash management	PR	A	34,700	34,700
15	(kb)	General program operations	PR-S	A	542,900	542,900

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(km) Credit card use charges	PR-S	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			1,768,100	1,761,100
	OTHER			(1,225,200)	(1,218,200)
	SERVICE			(542,900)	(542,900)
	TOTAL-ALL SOURCES			1,768,100	1,761,100
2	(2) COLLEGE TUITION PREPAYMENT PROGRAM				
3	(a) Administrative expenses; general				
4	fund	GPR	A	85,400	15,400
5	(am) Administrative expenses; college				
6	savings program	GPR	A	70,900	73,000
7	(q) Payment of tuition	SEG	S	-0-	-0-
8	(qr) College savings program;				
9	investments	SEG	S	-0-	-0-
10	(s) Administrative expenses; tuition				
11	trust fund	SEG	A	321,800	493,200
12	(t) College savings program; payment				
13	of tuition and refunds	SEG	S	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			156,300	88,400
	SEGREGATED FUNDS			321,800	493,200
	OTHER			(321,800)	(493,200)
	TOTAL-ALL SOURCES			478,100	581,600
	20.585 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			156,300	88,400
	PROGRAM REVENUE			1,768,100	1,761,100
	OTHER			(1,225,200)	(1,218,200)
	SERVICE			(542,900)	(542,900)
	SEGREGATED FUNDS			321,800	493,200
	OTHER			(321,800)	(493,200)
	TOTAL-ALL SOURCES			2,246,200	2,342,700

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
General Executive Functions FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			183,123,900	193,280,000
PROGRAM REVENUE			454,813,400	455,503,600
FEDERAL			(123,508,900)	(124,519,200)
OTHER			(55,631,400)	(55,605,600)
SERVICE			(275,673,100)	(275,378,800)
SEGREGATED FUNDS			138,975,700	135,635,400
FEDERAL			(-0-)	(-0-)
OTHER			(137,975,700)	(134,635,400)
SERVICE			(1,000,000)	(1,000,000)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			776,913,000	784,419,000

Judicial

1	20.625 Circuit courts				
2	(1) COURT OPERATIONS				
3	(a) Circuit courts	GPR	S	49,586,000	49,586,000
4	(as) Violent crime court costs	GPR	A	-0-	-0-
5	(b) Permanent reserve judges	GPR	A	-0-	-0-
6	(c) Court interpreter fees	GPR	A	238,800	238,800
7	(d) Circuit court support payments	GPR	B	18,739,600	18,739,600
8	(dc) Law clerk reimbursement				
9	payments	GPR	A	-0-	-0-
10	(e) Guardian ad litem costs	GPR	A	4,738,500	4,738,500
11	(m) Federal aid	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			73,302,900	73,302,900
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			73,302,900	73,302,900
12	(3) CHILD CUSTODY HEARINGS AND STUDIES IN OTHER STATES				

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(a) General program operations	GPR	S	-0-	-0-
	(3) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
	2 0 . 6 2 5 D E P A R T M E N T T O T A L S				
	GENERAL PURPOSE REVENUES			73,302,900	73,302,900
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			73,302,900	73,302,900
2	20.660 Court of appeals				
3	(1) APPELLATE PROCEEDINGS				
4	(a) General program operations	GPR	S	7,293,700	7,293,700
5	(m) Federal aid	PR-F	C	-0-	-0-
	2 0 . 6 6 0 D E P A R T M E N T T O T A L S				
	GENERAL PURPOSE REVENUES			7,293,700	7,293,700
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			7,293,700	7,293,700
6	20.665 Judicial commission				
7	(1) JUDICIAL CONDUCT				
8	(a) General program operations	GPR	A	162,900	163,300
9	(cm) Contractual agreements	GPR	B	18,200	18,200
10	(d) General program operations;				
11	judicial council	GPR	A	35,000	35,000
12	(mm) Federal aid	PR-F	C	-0-	-0-
	2 0 . 6 6 5 D E P A R T M E N T T O T A L S				
	GENERAL PURPOSE REVENUES			216,100	216,500
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			216,100	216,500

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	20.680 Supreme court				
2	(1) SUPREME COURT PROCEEDINGS				
3	(a) General program operations	GPR	S	3,983,300	3,983,300
4	(m) Federal aid	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,983,300	3,983,300
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			3,983,300	3,983,300
5	(2) DIRECTOR OF STATE COURTS				
6	(a) General program operations	GPR	A	5,126,300	5,126,300
7	(b) Judicial planning and research	GPR	A	-0-	-0-
8	(g) Gifts and grants	PR	C	-0-	-0-
9	(ga) Court commissioner training	PR	C	42,700	56,500
10	(h) Materials and services	PR	C	60,900	60,900
11	(i) Municipal judge training	PR	C	127,600	127,600
12	(j) Court information systems	PR	C	8,340,300	8,340,300
13	(kc) Central services	PR-S	A	182,400	182,400
14	(ke) Interagency and intra-agency				
15	automation assistance	PR-S	C	-0-	-0-
16	(m) Federal aid	PR-F	C	403,200	403,200
17	(qm) Mediation fund	SEG	C	709,100	709,100
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,126,300	5,126,300
	PROGRAM REVENUE			9,157,100	9,170,900
	FEDERAL			(403,200)	(403,200)
	OTHER			(8,571,500)	(8,585,300)
	SERVICE			(182,400)	(182,400)

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
	SEGREGATED FUNDS			709,100	709,100
	OTHER			(709,100)	(709,100)
	TOTAL-ALL SOURCES			14,992,500	15,006,300
1	(3) BAR EXAMINERS AND RESPONSIBILITY				
2	(g) Board of bar examiners	PR	C	596,100	596,100
3	(h) Office of lawyer regulation	PR	C	1,733,400	1,733,400
	(3) PROGRAM TOTALS				
	PROGRAM REVENUE			2,329,500	2,329,500
	OTHER			(2,329,500)	(2,329,500)
	TOTAL-ALL SOURCES			2,329,500	2,329,500
4	(4) LAW LIBRARY				
5	(a) General program operations	GPR	A	2,080,000	2,111,100
6	(g) Library collections and services	PR	C	125,500	125,500
7	(h) Gifts and grants	PR	C	461,700	461,700
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,080,000	2,111,100
	PROGRAM REVENUE			587,200	587,200
	OTHER			(587,200)	(587,200)
	TOTAL-ALL SOURCES			2,667,200	2,698,300
	20.680 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			11,189,600	11,220,700
	PROGRAM REVENUE			12,073,800	12,087,600
	FEDERAL			(403,200)	(403,200)
	OTHER			(11,488,200)	(11,502,000)
	SERVICE			(182,400)	(182,400)
	SEGREGATED FUNDS			709,100	709,100
	OTHER			(709,100)	(709,100)
	TOTAL-ALL SOURCES			23,972,500	24,017,400
	Judicial				
	FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			92,002,300	92,033,800
	PROGRAM REVENUE			12,073,800	12,087,600
	FEDERAL			(403,200)	(403,200)
	OTHER			(11,488,200)	(11,502,000)
	SERVICE			(182,400)	(182,400)

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
SEGREGATED FUNDS			709,100	709,100
FEDERAL			(-0-)	(-0-)
OTHER			(709,100)	(709,100)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			104,785,200	104,830,500

Legislative**1 20.765 Legislature****2 (1) ENACTMENT OF STATE LAWS****3 (a) General program operations —**

4 assembly	GPR	S	21,324,500	20,916,700
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5 (b) General program operations —

6 senate	GPR	S	15,111,100	14,722,900
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7 (d) Legislative documents	GPR	S	7,870,900	7,870,900
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(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	44,306,500	43,510,500
TOTAL-ALL SOURCES	44,306,500	43,510,500

8 (2) SPECIAL STUDY GROUPS

9 (a) Retirement committees	GPR	A	193,900	194,900
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10 (ab) Retirement actuarial studies	GPR	B	14,200	14,200
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(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	208,100	209,100
TOTAL-ALL SOURCES	208,100	209,100

11 (3) SERVICE AGENCIES AND NATIONAL ASSOCIATIONS

12 (a) Revisor of statutes bureau	GPR	B	737,300	737,300
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13 (b) Legislative reference bureau	GPR	B	4,317,500	4,494,800
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14 (c) Legislative audit bureau	GPR	B	4,396,900	4,396,900
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SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(d) Legislative fiscal bureau	GPR	B	3,094,200	3,041,300
2	(e) Legislative council	GPR	B	3,274,200	3,192,600
3	(em) Legislative technology services				
4	bureau	GPR	B	2,009,700	2,015,700
5	(f) Joint committee on legislative				
6	organization	GPR	B	-0-	-0-
7	(fa) Membership in national				
8	associations	GPR	S	159,200	159,200
9	(g) Gifts and grants to service agencies	PR	C	-0-	-0-
10	(ka) Audit bureau reimbursable audits	PR-S	A	1,468,500	1,489,500
11	(m) Federal aid	PR-F	C	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	17,989,000	18,037,800
PROGRAM REVENUE	1,468,500	1,489,500
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,468,500)	(1,489,500)
TOTAL-ALL SOURCES	19,457,500	19,527,300

20.765 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	62,503,600	61,757,400
PROGRAM REVENUE	1,468,500	1,489,500
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,468,500)	(1,489,500)
TOTAL-ALL SOURCES	63,972,100	63,246,900

Legislative**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	62,503,600	61,757,400
PROGRAM REVENUE	1,468,500	1,489,500
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,468,500)	(1,489,500)
SEGREGATED FUNDS	-0-	-0-
FEDERAL	(-0-)	(-0-)

SENATE BILL 55**SECTION 395**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
OTHER			(-0-)	(-0-)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			63,972,100	63,246,900

General Appropriations

1	20.835 Shared revenue and tax relief				
2	(1) SHARED REVENUE PAYMENTS				
3	(b) Small municipalities shared				
4	revenue	GPR	S	11,000,000	11,000,000
5	(c) Expenditure restraint program				
6	account	GPR	S	57,000,000	63,000,000
7	(d) County shared revenue account	GPR	S	930,459,800	168,981,800
8	(db) Municipal services aid account	GPR	S	-0-	573,478,000
9	(dd) Municipal growth sharing account	GPR	S	-0-	182,000,000
10	(e) State aid; computers	GPR	S	77,016,000	81,171,000
11	(f) County mandate relief account	GPR	S	20,763,800	20,763,800
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,096,239,600	1,100,394,600
	TOTAL-ALL SOURCES			1,096,239,600	1,100,394,600
12	(2) TAX RELIEF				
13	(b) Claim of right credit	GPR	S	-0-	-0-
14	(bm) Payments of interest on				
15	overassessment of manufacturing				
16	property	GPR	S	-0-	-0-
17	(c) Homestead tax credit	GPR	S	91,000,000	88,000,000

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03	
1	(ci) Development zones investment					
2	credit	GPR	S	2,000	2,000	
3	(cL) Development zones location credit	GPR	S	2,000	2,000	
4	(cm) Development zones jobs credit	GPR	S	50,000	50,000	
5	(cn) Development zones sales tax credit	GPR	S	50,000	50,000	
6	(d) Farmers' drought property tax					
7	credit	GPR	S	-0-	-0-	
8	(dm) Farmland preservation credit	GPR	S	14,600,000	14,500,000	
9	(dn) Farmland tax relief credit	GPR	S	-0-	-0-	
10	(ep) Cigarette and tobacco product tax					
11	refunds	GPR	S	10,100,000	10,100,000	
12	(f) Earned income tax credit	GPR	S	12,255,500	12,834,500	
13	(ka) Farmland tax relief credit	PR	C	-0-	-0-	
14	(kf) Earned income tax credit;					
15	temporary assistance for needy					
16	families	PR-S	A	51,244,500	53,665,500	
17	(q) Farmland tax relief credit	SEG	S	15,000,000	15,000,000	
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			128,059,500	125,538,500	
	PROGRAM REVENUE			51,244,500	53,665,500	
	OTHER			(-0-)	(-0-)	
	SERVICE			(51,244,500)	(53,665,500)	
	SEGREGATED FUNDS			15,000,000	15,000,000	
	OTHER			(15,000,000)	(15,000,000)	
	TOTAL-ALL SOURCES			194,304,000	194,204,000	
18	(3) STATE PROPERTY TAX CREDITS					
19	(b) School levy tax credit	GPR	S	469,305,000	469,305,000	

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(q) Lottery and gaming credit	SEG	S	107,400,000	108,400,000
2	(r) Lottery and gaming credit				
3	certification	SEG	S	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			469,305,000	469,305,000
	SEGREGATED FUNDS			107,400,000	108,400,000
	OTHER			(107,400,000)	(108,400,000)
	TOTAL-ALL SOURCES			576,705,000	577,705,000
4	(4) COUNTY AND LOCAL TAXES				
5	(g) County taxes	PR	C	-0-	-0-
6	(gb) Special district taxes	PR	C	-0-	-0-
7	(gd) Premier resort area tax	PR	C	-0-	-0-
8	(ge) Local professional football stadium				
9	district taxes	PR	C	-0-	-0-
10	(gg) Local taxes	PR	C	-0-	-0-
(4) PROGRAM TOTALS					
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
11	(5) PAYMENTS IN LIEU OF TAXES				
12	(a) Payments for municipal services	GPR	A	21,565,300	21,565,300
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			21,565,300	21,565,300
	TOTAL-ALL SOURCES			21,565,300	21,565,300
20.835 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			1,715,169,400	1,716,803,400
	PROGRAM REVENUE			51,244,500	53,665,500
	OTHER			(-0-)	(-0-)
	SERVICE			(51,244,500)	(53,665,500)
	SEGREGATED FUNDS			122,400,000	123,400,000

SENATE BILL 55

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
	OTHER			(122,400,000)	(123,400,000)
	TOTAL-ALL SOURCES			1,888,813,900	1,893,868,900
1	20.855 Miscellaneous appropriations				
2	(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
3	(a) Obligation on operating notes	GPR	S	15,300,000	13,200,000
4	(b) Operating note expenses	GPR	S	110,000	110,000
5	(bm) Payment of cancelled drafts	GPR	S	1,100,000	1,100,000
6	(c) Interest payments to program				
7	revenue accounts	GPR	S	-0-	-0-
8	(d) Interest payments to segregated				
9	funds	GPR	S	-0-	-0-
10	(dm) Interest reimbursements to federal				
11	government	GPR	S	-0-	-0-
12	(e) Interest on prorated local				
13	government payments	GPR	S	-0-	-0-
14	(gm) Payment of cancelled drafts;				
15	program revenues	PR	S	-0-	-0-
16	(q) Redemption of operating notes	SEG	S	-0-	-0-
17	(r) Interest payments to general fund	SEG	S	-0-	-0-
18	(rm) Payment of cancelled drafts;				
19	segregated revenues	SEG	S	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			16,510,000	14,410,000
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-

SENATE BILL 55

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03
OTHER				(-0-)	(-0-)
TOTAL-ALL SOURCES				16,510,000	14,410,000
1	(3) CAPITOL RENOVATION EXPENSES				
2	(a) Capitol offices relocation	GPR	S	8,150,600	1,103,300
3	(b) Capitol restoration and relocation				
4	planning	GPR	B	-0-	-0-
5	(c) Historically significant furnishings	GPR	B	-0-	-0-
(3) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				8,150,600	1,103,300
TOTAL-ALL SOURCES				8,150,600	1,103,300
6	(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS				
7	(a) Interest on overpayment of taxes	GPR	S	3,500,000	3,500,000
8	(am) Great Lakes protection fund				
9	contribution	GPR	C	-0-	-0-
10	(b) Election campaign payments	GPR	S	325,000	325,000
11	(c) Minnesota income tax reciprocity	GPR	S	50,000,000	53,000,000
12	(ca) Minnesota income tax reciprocity				
13	bench mark	GPR	A	-0-	-0-
14	(cm) Illinois income tax reciprocity	GPR	S	-0-	-0-
15	(cn) Illinois income tax reciprocity				
16	benchmark	GPR	A	11,800,700	12,550,700
17	(co) Illinois income tax reciprocity, 1998				
18	and 1999	GPR	A	-0-	-0-
19	(e) Transfer to conservation fund; land				
20	acquisition reimbursement	GPR	S	236,800	232,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03	
1	(q) Terminal tax distribution	SEG	S	1,057,400	1,057,400	
2	(r) Petroleum allowance	SEG	S	400,000	400,000	
3	(rc) Transfer to general fund	SEG	A	350,000,000	-0-	
4	(rh) Annual transfer from permanent					
5	endowment fund to general fund	SEG	S	-0-	-0-	
6	(rp) Transfer to general fund; 2001-02					
7	fiscal year	SEG	A	153,414,000	-0-	
8	(rv) Transfer to general fund; 2002-03					
9	fiscal year	SEG	A	-0-	155,440,800	
10	(s) Transfer to conservation fund;					
11	motorboat formula	SEG	S	10,756,200	11,285,200	
12	(t) Transfer to conservation fund;					
13	snowmobile formula	SEG	S	4,228,400	4,436,900	
14	(u) Transfer to conservation fund;					
15	all-terrain vehicle formula	SEG	S	788,300	827,200	
	(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			65,862,500	69,608,300	
	SEGREGATED FUNDS			520,644,300	173,447,500	
	OTHER			(520,644,300)	(173,447,500)	
	TOTAL-ALL SOURCES			586,506,800	243,055,800	
16	(5) STATE HOUSING AUTHORITY RESERVE FUND					
17	(a) Enhancement of credit of authority					
18	debt	GPR	A	-0-	-0-	
	(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-	
	TOTAL-ALL SOURCES			-0-	-0-	
19	(6) MISCELLANEOUS RECEIPTS					

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(g) Gifts and grants	PR	C	-0-	-0-
2	(h) Vehicle and aircraft receipts	PR	A	-0-	-0-
3	(i) Miscellaneous program revenue	PR	A	-0-	-0-
4	(j) Custody accounts	PR	C	-0-	-0-
5	(k) Aids to individuals and				
6	organizations	PR-S	C	-0-	-0-
7	(ka) Local assistance	PR-S	C	-0-	-0-
8	(m) Federal aid	PR-F	C	-0-	-0-
9	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
		(6) PROGRAM TOTALS			
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
10	(7) DEBT COLLECTIONS				
11	(j) Delinquent support and				
12	maintenance payments	PR	C	-0-	-0-
		(7) PROGRAM TOTALS			
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
13	(8) MARQUETTE UNIVERSITY				
14	(a) Dental clinic and educ facility;				
15	principal repayment, interest &				
16	rebates	GPR	S	442,600	1,100,200

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
	(8) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			442,600	1,100,200
	TOTAL-ALL SOURCES			442,600	1,100,200
1	(9) STATE CAPITOL RENOVATION AND RESTORATION				
2	(a) South wing renovation and				
3	restoration	GPR	C	-0-	-0-
	(9) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
	2 0 . 8 5 5 D E P A R T M E N T T O T A L S				
	GENERAL PURPOSE REVENUES			90,965,700	86,221,800
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			520,644,300	173,447,500
	OTHER			(520,644,300)	(173,447,500)
	TOTAL-ALL SOURCES			611,610,000	259,669,300
4	20.865 Program supplements				
5	(1) EMPLOYEE COMPENSATION AND SUPPORT				
6	(a) Judgments, worker's compensation,				
7	indemnification, and legal expenses	GPR	S	50,000	50,000
8	(c) Compensation and related				
9	adjustments	GPR	S	-0-	-0-
10	(cc) Compensation and related				
11	adjustments	GPR	A	12,963,700	12,963,700
12	(ci) Nonrepresented university system				
13	faculty and academic pay				
14	adjustments	GPR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(cj) Pay adjustments for certain				
2	university employees	GPR	A	-0-	-0-
3	(d) Employer fringe benefit costs	GPR	S	12,400,300	12,400,300
4	(e) Additional biweekly payroll	GPR	A	-0-	-0-
5	(em) Financial and procurement services	GPR	A	172,200	1,504,700
6	(fm) Risk management	GPR	A	-0-	-0-
7	(fn) Physically handicapped				
8	supplements	GPR	A	6,900	6,900
9	(g) Judgments and legal expenses;				
10	program revenues	PR	S	-0-	-0-
11	(i) Compensation and related				
12	adjustments; program revenues	PR	S	-0-	-0-
13	(ic) Nonrepresented university system				
14	faculty and academic pay				
15	adjustments	PR	S	-0-	-0-
16	(id) Compensation and related				
17	adjustments; nonfederal program				
18	revenues	PR	S	-0-	-0-
19	(j) Employer fringe benefit costs;				
20	program revenues	PR	S	-0-	-0-
21	(jm) Additional biweekly payroll;				
22	nonfederal program revenues	PR	S	-0-	-0-
23	(js) Financial and procurement				
24	services; program revenues	PR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(kr) Risk management; program				
2	revenues	PR-S	S	-0-	-0-
3	(Ln) Physically handicapped				
4	supplements; program revenues	PR	S	-0-	-0-
5	(m) Additional biweekly payroll; federal				
6	program revenues	PR-F	S	-0-	-0-
7	(mb) Compensation and related				
8	adjustments; federal program				
9	revenues	PR-F	S	-0-	-0-
10	(q) Judgments and legal expenses;				
11	segregated revenues	SEG	S	-0-	-0-
12	(s) Compensation and related				
13	adjustments; segregated revenues	SEG	S	-0-	-0-
14	(sb) Compensation and related				
15	adjustments; nonfederal segregated				
16	revenues	SEG	S	-0-	-0-
17	(si) Nonrepresented university system				
18	faculty and academic pay				
19	adjustments	SEG	S	-0-	-0-
20	(t) Employer fringe benefit costs;				
21	segregated revenues	SEG	S	-0-	-0-
22	(tm) Additional biweekly payroll;				
23	nonfederal segregated revenues	SEG	S	-0-	-0-
24	(ts) Financial and procurement				
25	services; segregated revenues	SEG	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(ur) Risk management; segregated				
2	revenues	SEG	S	-0-	-0-
3	(vn) Physically handicapped				
4	supplements; segregated revenues	SEG	S	-0-	-0-
5	(x) Additional biweekly payroll; federal				
6	segregated revenues	SEG-F	S	-0-	-0-
7	(xb) Compensation and related				
8	adjustments; federal segregated				
9	revenues	SEG-F	S	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			25,593,100	26,925,600
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			25,593,100	26,925,600
10	(2) STATE PROGRAMS AND FACILITIES				
11	(a) Space management and child care	GPR	A	9,709,700	10,233,800
12	(ag) State-owned office rent supplement	GPR	A	1,972,200	2,826,800
13	(d) State deposit fund	GPR	S	-0-	-0-
14	(e) Maintenance of capitol and				
15	executive residence	GPR	A	6,242,700	6,342,700
16	(eb) Executive residence furnishings				
17	replacement	GPR	C	25,000	25,000
18	(em) Groundwater survey and analysis	GPR	A	231,200	231,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(g) Space management and child care;				
2	program revenues	PR	S	-0-	-0-
3	(gg) State-owned office rent				
4	supplement; program revenues	PR	S	-0-	-0-
5	(j) State deposit fund; program				
6	revenues	PR	S	-0-	-0-
7	(L) Data processing and				
8	telecommunications study; program				
9	revenues	PR-S	S	-0-	-0-
10	(q) Space management and child care;				
11	segregated revenues	SEG	S	-0-	-0-
12	(qg) State-owned office rent				
13	supplement; segregated revenues	SEG	S	-0-	-0-
14	(t) State deposit fund; segregated				
15	revenues	SEG	S	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			18,180,800	19,659,500
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			18,180,800	19,659,500
16	(3) TAXES AND SPECIAL CHARGES				
17	(a) Property taxes	GPR	S	-0-	-0-
18	(g) Property taxes; program revenues	PR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(i) Payments for municipal services;				
2	program revenues	PR	S	-0-	-0-
3	(q) Property taxes; segregated				
4	revenues	SEG	S	-0-	-0-
5	(s) Payments for municipal services;				
6	segregated revenues	SEG	S	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
7	(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
8	(a) General purpose revenue funds				
9	general program supplementation	GPR	B	475,000	475,000
10	(g) Program revenue funds general				
11	program supplementation	PR	S	-0-	-0-
12	(m) Federal funds general program				
13	supplementation	PR-F	C	-0-	-0-
14	(u) Segregated funds general program				
15	supplementation	SEG	S	-0-	-0-
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			475,000	475,000
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			475,000	475,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(8) SUPPLEMENTATION OF PROGRAM REVENUE AND PROGRAM REV.-SERVICE APPROPRIATIONS				
2	(g) Supplementation of program				
3	revenue and program rev.-service				
4	appropriations	PR	S	-0-	-0-
	(8) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.865 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			44,248,900	47,060,100
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			44,248,900	47,060,100
5	20.866 Public debt				
6	(1) BOND SECURITY AND REDEMPTION FUND				
7	(u) Principal repayment and interest	SEG	S	-0-	-0-
	20.866 DEPARTMENT TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
8	20.867 Building commission				
9	(1) STATE OFFICE BUILDINGS				
10	(a) Principal repayment and interest;				
11	housing of state agencies	GPR	S	-0-	-0-
12	(b) Principal repayment and interest;				
13	capitol and executive residence	GPR	S	6,337,300	6,314,500

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2001-02	2002-03	
(1) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				6,337,300	6,314,500	
TOTAL-ALL SOURCES				6,337,300	6,314,500	
1	(2)	ALL STATE-OWNED FACILITIES				
2	(b)	Asbestos removal	GPR	A	-0-	-0-
3	(c)	Hazardous materials removal	GPR	A	-0-	-0-
4	(f)	Facilities preventive maintenance	GPR	A	-0-	-0-
5	(q)	Building trust fund	SEG	C	-0-	-0-
6	(r)	Planning and design	SEG	C	-0-	-0-
7	(u)	Aids for buildings	SEG	C	-0-	-0-
8	(v)	Building program funding				
9		contingency	SEG	C	-0-	-0-
10	(w)	Building program funding	SEG	C	-0-	-0-
(2) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES				-0-	-0-	
SEGREGATED FUNDS				-0-	-0-	
OTHER				(-0-)	(-0-)	
TOTAL-ALL SOURCES				-0-	-0-	
11	(3)	STATE BUILDING PROGRAM				
12	(a)	Principal repayment and interest	GPR	S	34,851,700	49,378,200
13	(b)	Principal repayment and interest	GPR	S	885,200	2,200,300
14	(bp)	Principal repayment, interest and				
15		rebates	GPR	S	23,700	58,700
16	(br)	Principal repayment, interest and				
17		rebates	GPR	S	23,700	58,700
18	(c)	Lease rental payments	GPR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
1	(d) Interest rebates on obligation				
2	proceeds; general fund	GPR	S	-0-	-0-
3	(e) Principal repayment, interest and				
4	rebates; parking ramp	GPR	S	-0-	-0-
5	(g) Principal repayment, interest and				
6	rebates; program revenues	PR	S	-0-	-0-
7	(h) Principal repayment, interest and				
8	rebates	PR	S	-0-	-0-
9	(i) Principal repayment, interest and				
10	rebates; capital equipment	PR	S	-0-	-0-
11	(k) Interest rebates on obligation				
12	proceeds; program revenues	PR-S	C	-0-	-0-
13	(q) Principal repayment and interest;				
14	segregated revenues	SEG	S	-0-	-0-
15	(r) Interest rebates on obligation				
16	proceeds; conservation fund	SEG	S	-0-	-0-
17	(s) Interest rebates on obligation				
18	proceeds; transportation fund	SEG	S	-0-	-0-
19	(t) Interest rebates on obligation				
20	proceeds; veterans trust fund	SEG	S	-0-	-0-
21	(w) Bonding services	SEG	S	1,024,200	1,024,200
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			35,784,300	51,695,900
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,024,200	1,024,200

SENATE BILL 55**SECTION 395**

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
	OTHER			(1,024,200)	(1,024,200)
	TOTAL-ALL SOURCES			36,808,500	52,720,100
1	(4) CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
2	(q) Funding in lieu of borrowing	SEG	C	-0-	-0-
3	(r) Interest on veterans obligations	SEG	C	-0-	-0-
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(5) SERVICES TO NONSTATE GOVERNMENTAL UNITS				
5	(g) Financial consulting services	PR	C	-0-	-0-
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.867 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			42,121,600	58,010,400
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,024,200	1,024,200
	OTHER			(1,024,200)	(1,024,200)
	TOTAL-ALL SOURCES			43,145,800	59,034,600
6	20.875 Budget stabilization fund				
7	(1) TRANSFERS TO FUND				
8	(a) General fund transfer	GPR	A	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
9	(2) TRANSFERS FROM FUND				
10	(q) Budget stabilization fund transfer	SEG	A	-0-	-0-

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03		
(2) PROGRAM TOTALS						
SEGREGATED FUNDS			-0-	-0-		
OTHER			(-0-)	(-0-)		
TOTAL-ALL SOURCES			-0-	-0-		
20.875 DEPARTMENT TOTALS						
GENERAL PURPOSE REVENUES			-0-	-0-		
SEGREGATED FUNDS			-0-	-0-		
OTHER			(-0-)	(-0-)		
TOTAL-ALL SOURCES			-0-	-0-		
1	20.876	Tax relief fund				
2	(1)	TRANSFERS TO FUND				
3	(a)	General fund transfer	GPR	S	-0-	-0-
(1) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES			-0-	-0-		
TOTAL-ALL SOURCES			-0-	-0-		
4	(2)	TRANSFERS FROM THE FUND				
5	(q)	Tax relief fund transfer	SEG	S	-0-	-0-
(2) PROGRAM TOTALS						
SEGREGATED FUNDS			-0-	-0-		
OTHER			(-0-)	(-0-)		
TOTAL-ALL SOURCES			-0-	-0-		
20.876 DEPARTMENT TOTALS						
GENERAL PURPOSE REVENUES			-0-	-0-		
SEGREGATED FUNDS			-0-	-0-		
OTHER			(-0-)	(-0-)		
TOTAL-ALL SOURCES			-0-	-0-		
General Appropriations FUNCTIONAL AREA TOTALS						
GENERAL PURPOSE REVENUES			1,892,505,600	1,908,095,700		
PROGRAM REVENUE			51,244,500	53,665,500		
FEDERAL			(-0-)	(-0-)		
OTHER			(-0-)	(-0-)		
SERVICE			(51,244,500)	(53,665,500)		
SEGREGATED FUNDS			644,068,500	297,871,700		
FEDERAL			(-0-)	(-0-)		
OTHER			(644,068,500)	(297,871,700)		
SERVICE			(-0-)	(-0-)		

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SECTION 395

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2001-02	2002-03
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			2,587,818,600	2,259,632,900
STATE TOTAL			23,128,799,800	23,271,811,700
GENERAL PURPOSE REVENUES			11,593,220,800	11,873,578,300
PROGRAM REVENUE			7,791,997,200	7,860,846,900
FEDERAL			(4,815,882,800)	(4,840,184,700)
OTHER			(2,200,553,400)	(2,262,704,200)
SERVICE			(775,561,000)	(757,958,000)
SEGREGATED FUNDS			3,743,581,800	3,537,386,500
FEDERAL			(695,249,000)	(738,878,700)
OTHER			(2,815,817,400)	(2,552,443,200)
SERVICE			(158,154,400)	(169,910,200)
LOCAL			(74,361,000)	(76,154,400)

1

2 **SECTION 396.** 20.115 (1) (g) of the statutes is amended to read:

3 20.115 (1) (g) *Related services.* ~~The amounts in the schedule Except as provided~~
4 ~~in pars. (gf) and (h), all moneys received from authorized service fees related to food~~
5 ~~and trade regulation, for the conduct of services related to food and trade regulation,~~
6 ~~including special and overtime meat inspection services under s. 97.42 (3), and~~
7 ~~investigative and audit services under ss. 93.06 (6) (b), 100.06 (1g) (c) and 100.07 (1),~~
8 ~~but excluding services financed under pars. (gf) and (h). Except as provided in pars.~~
9 ~~(gf) and (h), all moneys received from authorized service fees related to food and trade~~
10 ~~regulation shall be credited to this appropriation.~~

11 **SECTION 397.** 20.115 (1) (g) of the statutes, as affected by 2001 Wisconsin Act
12 (this act), is amended to read:

13 20.115 (1) (g) *Related services.* Except as provided in pars. (gf) and (h), all
14 moneys received from authorized service fees related to food and trade regulation,
15 for the conduct of services related to food and trade regulation, including special and
16 overtime meat inspection services under s. 97.42 (3), and investigative and audit

SENATE BILL 55**SECTION 397**

1 services under ss. 93.06 (6) (b), ~~100.06 (1g) (e)~~ and 100.07 (1), but excluding services
2 financed under pars. (gf) and (h).

3 **SECTION 398.** 20.115 (1) (gf) of the statutes is amended to read:

4 20.115 (1) (gf) *Fruit and vegetable inspection.* All moneys received for the
5 inspection of fruits and vegetables under ss. 93.06 (1m), and 93.09 (10) and 100.03
6 ~~(3) (a) 1.~~ to carry out the purposes for which those moneys are received.

7 **SECTION 399.** 20.115 (1) (gh) of the statutes is amended to read:

8 20.115 (1) (gh) *Public warehouse regulation.* ~~The amounts in the schedule~~ All
9 moneys received under s. 99.02, for the administration and enforcement of ch. 99. All
10 moneys received under s. 99.02 shall be credited to this appropriation.

11 **SECTION 400.** 20.115 (1) (gm) of the statutes is amended to read:

12 20.115 (1) (gm) *Dairy and vegetable security and trade practices regulation.*
13 The amounts in the schedule for the regulation of ~~vegetable procurement under s.~~
14 ~~100.03, of dairy plant financial condition under s. 100.06 and of dairy trade practices~~
15 ~~under s. 100.201. All moneys received under ss. 100.03 (3) (a) 2. and 3., 100.06 (9)~~
16 ~~and s. 100.201 (6) shall be credited to this appropriation.~~

17 **SECTION 401.** 20.115 (1) (i) of the statutes is amended to read:

18 20.115 (1) (i) *Sale of supplies.* ~~The amounts in the schedule for the publication~~
19 All moneys received from the sale of food safety and consumer protection
20 informational materials and supplies to be used for the publication of those materials
21 and for the purchase for sale of such those informational supplies. ~~All moneys~~
22 ~~received from the sale of those materials and supplies shall be credited to this~~
23 ~~appropriation.~~

24 **SECTION 402.** 20.115 (1) (jb) of the statutes is amended to read:

SENATE BILL 55**SECTION 402**

1 20.115 (1) (jb) *Consumer protection, information, and education.* The amounts
2 in the schedule for consumer protection and consumer information and education.
3 All moneys received under s. 100.261 (3) (b) shall be credited to this appropriation
4 account, subject to the limit under s. 100.261 3 (c).

5 **SECTION 403.** 20.115 (1) (jm) of the statutes is repealed.

6 **SECTION 404.** 20.115 (1) (q) of the statutes is created to read:

7 20.115 (1) (q) *Dairy, grain, and vegetable security.* From the agricultural
8 producer security fund, the amounts in the schedule to administer dairy, grain, and
9 vegetable producer security programs under ch. 126.

10 **SECTION 405.** 20.115 (1) (v) of the statutes is created to read:

11 20.115 (1) (v) *Agricultural producer security; bonds.* From the agricultural
12 producer security fund, a sum sufficient to acquire the surety bonds required under
13 ss. 126.06 and 126.07.

14 **SECTION 406.** 20.115 (1) (w) of the statutes is created to read:

15 20.115 (1) (w) *Agricultural producer security; payments.* From the agricultural
16 producer security fund, a sum sufficient to make default claim payments authorized
17 under s. 126.72 (1).

18 **SECTION 407.** 20.115 (1) (wb) of the statutes is created to read:

19 20.115 (1) (wb) *Agricultural producer security; bond proceeds.* From the
20 agricultural producer security fund, all moneys received under s. 126.72 (2) and (3)
21 to be used to make default claim payments under s. 126.71 (1).

22 **SECTION 408.** 20.115 (2) (g) of the statutes is amended to read:

23 20.115 (2) (g) *Related services.* ~~The amounts in the schedule~~ All moneys
24 received from fees related to animal health services, including fees under s. 95.60 (8),

SENATE BILL 55**SECTION 408**

1 for the conduct of those services related to ~~service fees~~. All moneys received from such
2 ~~service fees as are authorized by law shall be credited to this appropriation.~~

3 **SECTION 409.** 20.115 (2) (gb) of the statutes is repealed.

4 **SECTION 410.** 20.115 (2) (h) of the statutes is amended to read:

5 20.115 (2) (h) *Sale of supplies.* ~~The amounts in the schedule for the purchase~~
6 ~~for sale~~ All moneys received from the sale of publications and other informational
7 material, and vaccines, identification tags, seals and tools for livestock and poultry.
8 ~~All moneys received from the sale of those materials and supplies shall be credited~~
9 ~~to this appropriation~~ to be used for the purchase of those materials and supplies.

10 **SECTION 411.** 20.115 (2) (i) of the statutes is repealed.

11 **SECTION 412.** 20.115 (2) (j) of the statutes is amended to read:

12 20.115 (2) (j) *Dog licenses, rabies control and related services.* ~~The amounts in~~
13 ~~the schedule~~ All moneys received under ss. 95.21 (9) (c), 173.27, and 174.09 (1), to
14 provide dog license tags and forms under s. 174.07 (2), to perform other program
15 responsibilities under ch. 174, to administer the rabies control program under s.
16 95.21, to help administer the rabies control media campaign and to carry out humane
17 activities under s. 93.07 (11) and ch. 173. ~~All moneys received under ss. 95.21 (9) (c),~~
18 ~~173.27 and 174.09 (1) shall be credited to this appropriation.~~

19 **SECTION 413.** 20.115 (2) (k) of the statutes is repealed.

20 **SECTION 414.** 20.115 (3) (c) of the statutes is repealed.

21 **SECTION 415.** 20.115 (3) (d) of the statutes is renumbered 20.115 (1) (d).

22 **SECTION 416.** 20.115 (3) (ga) of the statutes is repealed.

23 **SECTION 417.** 20.115 (3) (L) of the statutes is amended to read:

24 20.115 (3) (L) *Something special from Wisconsin promotion.* ~~The amounts in~~
25 ~~the schedule~~ All moneys received from fees under s. 93.44 (4), for the advertising and

SENATE BILL 55**SECTION 417**

1 promotion of the something special from Wisconsin slogan, mark and logo under s.
2 93.44. ~~All moneys received from fees under s. 93.44 (4) shall be credited to this~~
3 ~~appropriation.~~

4 **SECTION 418.** 20.115 (4) (c) of the statutes is amended to read:

5 20.115 (4) (c) *Agricultural investment aids.* Biennially, the amounts in the
6 schedule for agricultural research and development grants under s. 93.46 (2) and (3)
7 and sustainable agriculture grants under s. 93.47.

8 **SECTION 419.** 20.115 (4) (cd) of the statutes is created to read:

9 20.115 (4) (cd) *Federal agricultural policy reform.* Biennially, the amounts in
10 the schedule to provide assistance to organizations under s. 93.06 (12) to seek the
11 reform of federal agricultural policy. No funds may be encumbered under this
12 paragraph after June 30, 2005.

13 **SECTION 420.** 20.115 (4) (i) of the statutes is repealed.

14 **SECTION 421.** 20.115 (4) (k) of the statutes is created to read:

15 20.115 (4) (k) *Agricultural diversification; Indian gaming.* The amounts in the
16 schedule for agricultural research and development grants under s. 93.46 (2) and (3).
17 All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 17m.
18 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
19 unencumbered balance on June 30 of each year shall revert to the appropriation
20 account under s. 20.505 (8) (hm).

21 **SECTION 422.** 20.115 (7) (d) of the statutes is amended to read:

22 20.115 (7) (d) *Drainage board grants.* The amounts in the schedule for grants
23 to drainage boards under s. 88.15. No moneys may be encumbered from this
24 appropriation after June 30, 2004 2006.

25 **SECTION 423.** 20.115 (7) (gb) of the statutes is repealed.

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1 **SECTION 424.** 20.115 (7) (q) of the statutes is repealed.

2 **SECTION 425.** 20.115 (7) (qc) of the statutes is amended to read:

3 20.115 (7) (qc) *Plant protection; conservation fund.* From the conservation
4 fund, the amounts in the schedule for plant protection, including nursery regulation,
5 gypsy moth control, and control of other plant pests.

6 **SECTION 426.** 20.115 (7) (qd) of the statutes is repealed.

7 **SECTION 427.** 20.115 (7) (s) of the statutes is repealed.

8 **SECTION 428.** 20.115 (7) (t) of the statutes is repealed.

9 **SECTION 429.** 20.115 (7) (u) of the statutes is repealed.

10 **SECTION 430.** 20.115 (8) (g) of the statutes is amended to read:

11 20.115 (8) (g) *Gifts and grants.* ~~Except as provided in subs. (2) (gb), (3) (ga), (4)~~
12 ~~(i) and (7) (gb),~~ all All moneys received from gifts and grants to carry out the purposes
13 for which made.

14 **SECTION 431.** 20.115 (8) (ga) of the statutes is repealed.

15 **SECTION 432.** 20.115 (8) (gm) of the statutes is amended to read:

16 20.115 (8) (gm) *Enforcement cost recovery.* ~~The amounts in the schedule for the~~
17 ~~purpose of enforcement.~~ Except as provided in s. 93.20 (4), all moneys received by the
18 department pursuant to a court order under s. 93.20 (2) as reimbursement of
19 enforcement costs, or as part of a settlement agreement or deferred prosecution
20 agreement that includes amounts for enforcement costs described in s. 93.20 (3) shall
21 be credited to this appropriation, to be used for enforcement.

22 **SECTION 433.** 20.115 (8) (ha) of the statutes is amended to read:

23 20.115 (8) (ha) *General laboratory related services.* All moneys received ~~from~~
24 service fees, other than from state agencies, for the performance of general
25 laboratory services under s. 93.06 and other laws under which the department

SENATE BILL 55**SECTION 433**

1 performs testing services. ~~The department may not transfer money from any~~
2 ~~appropriation under this section to this appropriation and all moneys received as~~
3 ~~payment for milk standards used to calibrate or verify milk component testing~~
4 ~~instruments to carry out the purposes for which those moneys are received.~~

5 **SECTION 434.** 20.115 (8) (i) of the statutes is amended to read:

6 20.115 (8) (i) *Related services.* ~~The amounts in the schedule~~ All moneys
7 received from service fees for central administrative services to be used for the
8 conduct of central administrative services for which service fees are assessed. All
9 ~~moneys received from service fees for central administrative services shall be~~
10 ~~credited to this appropriation.~~

11 **SECTION 435.** 20.115 (8) (k) of the statutes is amended to read:

12 20.115 (8) (k) *Computer system equipment, staff and services.* ~~The~~ Biennially,
13 the amounts in the schedule for the costs of computer system equipment, staff and
14 services. All moneys received from the department for those purposes shall be
15 credited to this appropriation account.

16 **SECTION 436.** 20.115 (8) (kL) of the statutes is amended to read:

17 20.115 (8) (kL) *Central services.* All moneys received from the department for
18 program-specific services that are performed centrally, except moneys received
19 under par. (km) ~~or (kp)~~, for the purpose of performing those services.

20 **SECTION 437.** 20.115 (8) (kp) of the statutes is repealed.

21 **SECTION 438.** 20.115 (8) (ks) of the statutes is amended to read:

22 20.115 (8) (ks) *State contractual services.* All moneys received from other state
23 agencies for the costs of the services performed ~~under contracts with~~ for those state
24 agencies, to provide those services.

25 **SECTION 439.** 20.143 (1) (fg) of the statutes is amended to read:

SENATE BILL 55**SECTION 439**

1 20.143 (1) (fg) ~~Community-based economic development programs New~~
2 ~~economy for Wisconsin program.~~ The amounts in the schedule for grants under ss.
3 560.037 and 560.14 and for the grants under 1993 Wisconsin Act 16, section 9115 (1e)
4 and 1999 Wisconsin Act 9, section 9110 (6e) and (7v) 560.143.

5 **SECTION 440.** 20.143 (1) (gm) of the statutes is repealed.

6 **SECTION 441.** 20.143 (1) (h) of the statutes is amended to read:

7 20.143 (1) (h) *Economic development operations.* The amounts in the schedule
8 for the department's responsibilities under ss. 234.65 and 560.03 (17), for
9 administering subch. II of ch. 560, for administering the programs under subch. V
10 of ch. 560, and for the costs of underwriting grants and loans awarded under subch.
11 V of ch. 560. All moneys received under s. ss. 234.65 (1) (f) and 560.68 (3) and under
12 subch. II of ch. 560 shall be credited to this appropriation account.

13 **SECTION 442.** 20.143 (1) (hm) of the statutes is repealed.

14 **SECTION 443.** 20.143 (1) (id) of the statutes is repealed.

15 **SECTION 444.** 20.143 (1) (ie) of the statutes is amended to read:

16 20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received
17 in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.147, s.
18 560.16, 1995 stats., s. 560.165, 1993 stats., subch. V of ch. 560 except s. 560.65, 1989
19 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m),
20 1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f),
21 1997 Wisconsin Act 310, section 2 (2d), and 1999 Wisconsin Act 9, section 9110 (4),
22 to be used for grants and loans under subch. V of ch. 560 except s. 560.65, for loans
23 under s. 560.147, for grants under ss. 560.16, and 560.175 and 560.25, for assistance
24 under s. 560.06 (2), for the loan under 1999 Wisconsin Act 9, section 9110 (4), and for
25 reimbursements under s. 560.167.

SENATE BILL 55**SECTION 445**

1 **SECTION 445.** 20.143 (1) (ig) of the statutes is amended to read:

2 20.143 (1) (ig) *Gaming economic development ~~grants and loans~~ and*
3 *diversification; repayments.* ~~The Biennially,~~ the amounts in the schedule for grants
4 and loans under ~~s. ss. 560.137 and 560.138.~~ All moneys received in repayment of
5 loans under ~~s. ss. 560.137 and 560.138~~ shall be credited to this appropriation
6 account.

7 **SECTION 446.** 20.143 (1) (jc) (title) of the statutes is amended to read:

8 20.143 (1) (jc) (title) *Physician and dentist and health care provider loan*
9 *assistance programs ~~repayments; penalties.~~*

10 **SECTION 447.** 20.143 (1) (jm) (title) of the statutes is amended to read:

11 20.143 (1) (jm) (title) *Physician and dentist loan assistance program; local*
12 *contributions.*

13 **SECTION 448.** 20.143 (1) (kf) of the statutes is amended to read:

14 20.143 (1) (kf) *American Indian economic development; technical assistance.*
15 The amounts in the schedule for grants under s. 560.875 (1). All moneys transferred
16 from the appropriation account under s. 20.505 (8) (hm) 6f. shall be credited to this
17 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
18 balance on June 30 of each year shall revert to the appropriation account under s.
19 20.505 (8) (hm).

20 **SECTION 449.** 20.143 (1) (kg) of the statutes is amended to read:

21 20.143 (1) (kg) *American Indian economic development; liaison and gaming*
22 *grants specialist and program marketing.* The amounts in the schedule for the
23 American Indian economic liaison program under s. 560.87, other than for grants
24 under s. 560.87 (6), for the salary and fringe benefits of, and related supplies and
25 services for, the gaming grants specialist for the programs under ss. 560.137 and

SENATE BILL 55**SECTION 449**

1 560.138, and for marketing the programs under ss. 560.137 and 560.138. From this
2 appropriation, the department may expend in each fiscal year no more than \$100,000
3 for marketing the programs under ss. 560.137 and 560.138. All moneys transferred
4 from the appropriation account under s. 20.505 (8) (hm) 6g. shall be credited to this
5 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
6 balance on June 30 of each year shall revert to the appropriation account under s.
7 20.505 (8) (hm).

8 **SECTION 450.** 20.143 (1) (kh) of the statutes is amended to read:

9 20.143 (1) (kh) *American Indian economic development; liaison — grants.* The
10 amounts in the schedule for grants under s. 560.87 (6). All moneys transferred from
11 the appropriation account under s. 20.505 (8) (hm) 6h. shall be credited to this
12 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
13 balance on June 30 of each year shall revert to the appropriation account under s.
14 20.505 (8) (hm).

15 **SECTION 451.** 20.143 (1) (kj) of the statutes, as affected by 1999 Wisconsin Act
16 9, section 208, is amended to read:

17 20.143 (1) (kj) *Gaming economic development and diversification; grants and*
18 *loans.* The Biennially, the amounts in the schedule for grants and loans under s. ss.
19 560.137, for marketing the program under s. 560.137 and 560.138, for the grants
20 under s. 560.139 (1) (a) and (2), and for the grants under 2001 Wisconsin Act (this
21 act), section 9110 (1) and (2). From this appropriation, the department may expend
22 in each fiscal year for marketing the program under s. 560.137 no more than the
23 difference between \$100,000 and the amount that the department spends in the
24 same fiscal year from the appropriation under par. (km) for marketing the program
25 under s. 560.138. All moneys transferred from the appropriation account under s.

SENATE BILL 55**SECTION 451**

1 20.505 (8) (hm) 6j. shall be credited to this appropriation account. Notwithstanding
2 s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year
3 shall revert to the appropriation account under s. 20.505 (8) (hm).

4 **SECTION 452.** 20.143 (1) (km) of the statutes is repealed.

5 **SECTION 453.** 20.143 (1) (kn) of the statutes is created to read:

6 20.143 (1) (kn) *Forward Wisconsin, Inc., business recruitment.* The amounts
7 in the schedule for aids to Forward Wisconsin, Inc., to be used for activities to recruit
8 out-of-state businesses to locate in this state. All moneys transferred from the
9 appropriation account under s. 20.505 (8) (hm) 6n. shall be credited to this
10 appropriation account.

11 **SECTION 454.** 20.143 (1) (ko) of the statutes is created to read:

12 20.143 (1) (ko) *Manufacturing extension center grants.* The amounts in the
13 schedule for grants under s. 560.25. All moneys transferred from the appropriation
14 account under s. 20.505 (8) (hm) 6o. shall be credited to this appropriation account.
15 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
16 shall revert to the appropriation account under s. 20.505 (8) (hm).

17 **SECTION 455.** 20.143 (1) (kp) of the statutes is created to read:

18 20.143 (1) (kp) *Business employees' skills training grants.* The amounts in the
19 schedule for grants under s. 560.155. All moneys transferred from the appropriation
20 account under s. 20.505 (8) (hm) 6p. shall be credited to this appropriation account.
21 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
22 shall revert to the appropriation account under s. 20.505 (8) (hm).

23 **SECTION 456.** 20.143 (1) (kr) of the statutes is amended to read:

24 20.143 (1) (kr) *Physician and dentist and health care provider loan assistance*
25 *programs; repayments, and contract.* All moneys transferred from the appropriation

SENATE BILL 55**SECTION 456**

1 account under s. 20.505 (8) (hm) 6r. and all moneys transferred under 1999
2 Wisconsin Act 9, section 9210 (1), for loan repayments under ss. 560.183 and 560.184
3 and for contracting under ss. 560.183 (8) and 560.184 (7). Notwithstanding s. 20.001
4 (3) (c), the unencumbered balance on June 30 of each odd-numbered year shall revert
5 to the appropriation account under s. 20.505 (8) (hm).

6 **SECTION 457.** 20.143 (1) (kt) of the statutes is created to read:

7 20.143 (1) (kt) *Funds transferred from other state agencies.* All moneys
8 received from other state agencies to carry out the purposes for which received.

9 **SECTION 458.** 20.143 (1) (qm) of the statutes is amended to read:

10 20.143 (1) (qm) *Brownfields grant program programs and related grants;*
11 *environmental fund.* From the environmental fund, the amounts in the schedule for
12 grants under s. ss. 560.13, 560.132, and 560.139 (1) (c) and for the grant under 1999
13 Wisconsin Act 9, section 9110 (8gm).

14 **SECTION 459.** 20.143 (1) (qn) of the statutes is created to read:

15 20.143 (1) (qn) *Forest products marketing.* From the conservation fund, the
16 amounts in the schedule for marketing forest products under s. 560.181.

17 **SECTION 460.** 20.143 (3) (L) of the statutes is amended to read:

18 20.143 (3) (L) *Fire dues distribution.* All moneys received under ss. 101.573
19 ~~(1) and 601.93 and 604.04 (3) (b)~~, less the amounts transferred to par. (La) and s.
20 20.292 (1) (gm) and (gr), for distribution under s. 101.573. The amount transferred
21 to par. (La) shall be the amount in the schedule under par. (La). The amount
22 transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under s. 20.292
23 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount in the
24 schedule under s. 20.292 (1) (gr).

25 **SECTION 461.** 20.143 (3) (z) of the statutes is created to read:

SENATE BILL 55**SECTION 461**

1 20.143 (3) (z) *Green tier and environmental management system grants.*
2 Biennially, from the environmental fund, the amounts in the schedule for green tier
3 and environmental management system grants under s. 560.125.

4 **SECTION 462.** 20.145 (1) (g) of the statutes is amended to read:

5 20.145 (1) (g) *General program operations.* The amounts in the schedule for
6 general program operations. Ninety percent of all moneys received under ss. 601.31,
7 601.32, 601.42 (7), 601.45 and, 601.47, and 611.76 (10) shall be credited to this
8 appropriation account.

9 **SECTION 463.** 20.145 (3) (v) of the statutes is amended to read:

10 20.145 (3) (v) *Specified payments, fire dues and reinsurance.* After deducting
11 the amounts appropriated under par. (u), the balance of moneys in the local
12 government property insurance fund, for the payment of insurance losses, payments
13 to the investment board under s. 20.536, payments to the general fund under s.
14 ~~101.573 (1)~~ 604.04 (3) (b), loss adjustment expenses, fire rating bureau dues and the
15 cost to purchase reinsurance under s. 604.04 (6).

16 **SECTION 464.** 20.155 (1) (g) of the statutes is amended to read:

17 20.155 (1) (g) *Utility regulation.* The amounts in the schedule for the
18 regulation of utilities. Ninety percent of all moneys received by the commission
19 under s. 196.85, 196.855, or 201.10 (3), ~~except moneys received from mobile home~~
20 ~~park operators under s. 196.85 (2g)~~, shall be credited to this appropriation. Ninety
21 percent of all receipts from the sale of miscellaneous printed reports and other copied
22 material, the cost of which was originally paid under this paragraph, shall be
23 credited to this appropriation.

24 **SECTION 465.** 20.155 (1) (i) of the statutes is renumbered 20.143 (3) (i) and
25 amended to read:

SENATE BILL 55**SECTION 465**

1 20.143 (3) (i) *Mobile Manufactured home park regulation water and sewer*
2 *service*. The amounts in the schedule for regulating the provision of water or sewer
3 service by ~~mobile~~ manufactured home park operators and ~~mobile~~ manufactured
4 home park contractors. All moneys received by the ~~commission~~ department from
5 ~~mobile~~ manufactured home park operators under s. ~~196.85 (2g)~~ 101.937 (6) (a) shall
6 be credited to this appropriation.

7 **SECTION 466.** 20.215 (1) (km) of the statutes is amended to read:

8 20.215 (1) (km) *State aid for the arts; Indian gaming receipts*. The amounts in
9 the schedule for grants-in-aid or contract payments to American Indian groups,
10 individuals, organizations, and institutions under s. 44.53 (1) (fm) and (2) (am). All
11 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 4b. shall
12 be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
13 unencumbered balance on June 30 of each year shall revert to the appropriation
14 account under s. 20.505 (8) (hm).

15 **SECTION 467.** 20.218 of the statutes is created to read:

16 **20.218 Educational broadcasting corporation.** There is appropriated to
17 the corporation described under s. 39.82 (1) for the following costs:

18 (1) EDUCATIONAL BROADCASTING. (a) *Operational costs; television*. The amounts
19 in the schedule for operational costs related to public television broadcasting.

20 (b) *Operational costs; radio*. The amounts in the schedule for operational costs
21 related to public radio broadcasting.

22 **SECTION 468.** 20.225 (1) (a) of the statutes is amended to read:

23 20.225 (1) (a) *General program operations*. The amounts in the schedule to
24 carry out its functions other than programming under ss. 39.11 and 39.13. If the
25 secretary of administration determines that the federal communications

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1 commission has approved the transfer of all broadcasting licenses held by the board
2 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
3 date of the last license transferred as determined by the secretary of administration
4 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

5 **SECTION 469.** 20.225 (1) (b) of the statutes is amended to read:

6 20.225 (1) (b) *Energy costs.* The amounts in the schedule to pay for utilities and
7 for fuel, heat, and air conditioning, and to pay costs incurred under ss. 16.858 and
8 16.895, by or on behalf of the board, ~~and to repay to the energy efficiency fund loans~~
9 ~~made to the board under s. 16.847 (6)~~ If the secretary of administration determines
10 that the federal communications commission has approved the transfer of all
11 broadcasting licenses held by the board to the broadcasting corporation, as defined
12 in s. 39.81 (2), on and after the effective date of the last license transferred as
13 determined by the secretary of administration under s. 39.87 (2) (a), no moneys may
14 be encumbered under this paragraph.

15 **SECTION 470.** 20.225 (1) (c) of the statutes is amended to read:

16 20.225 (1) (c) *Principal repayment and interest.* A sum sufficient to reimburse
17 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
18 the acquisition, construction, development, enlargement, or improvement of
19 facilities approved by the building commission for operation by the educational
20 communications board. If the secretary of administration determines that the
21 federal communications commission has approved the transfer of all broadcasting
22 licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2),
23 on and after the effective date of the last license transferred as determined by the
24 secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered
25 under this paragraph.

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1 **SECTION 471.** 20.225 (1) (d) of the statutes is amended to read:

2 20.225 (1) (d) *Milwaukee area technical college.* The amounts in the schedule
3 to contract with Milwaukee area technical college under s. 39.11 (18). If the secretary
4 of administration determines that the federal communications commission has
5 approved the transfer of all broadcasting licenses held by the board to the
6 broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of
7 the last license transferred as determined by the secretary of administration under
8 s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

9 **SECTION 472.** 20.225 (1) (eg) of the statutes is amended to read:

10 20.225 (1) (eg) *Transmitter construction.* As a continuing appropriation, the
11 amounts in the schedule to construct national weather service transmitters. If the
12 secretary of administration determines that the federal communications
13 commission has approved the transfer of all broadcasting licenses held by the board
14 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
15 date of the last license transferred as determined by the secretary of administration
16 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

17 **SECTION 473.** 20.225 (1) (er) of the statutes is amended to read:

18 20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate
19 the transmitter constructed with moneys appropriated under par. (eg). If the
20 secretary of administration determines that the federal communications
21 commission has approved the transfer of all broadcasting licenses held by the board
22 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
23 date of the last license transferred as determined by the secretary of administration
24 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

25 **SECTION 474.** 20.225 (1) (f) of the statutes is amended to read:

SENATE BILL 55**SECTION 474**

1 20.225 (1) (f) *Programming*. The amounts in the schedule for programming
2 under s. 39.11. If the secretary of administration determines that the federal
3 communications commission has approved the transfer of all broadcasting licenses
4 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and
5 after the effective date of the last license transferred as determined by the secretary
6 of administration under s. 39.87 (2) (a), no moneys may be encumbered under this
7 paragraph.

8 **SECTION 475.** 20.225 (1) (g) of the statutes is amended to read:

9 20.225 (1) (g) *Gifts, grants, contracts and leases*. All Except as provided in par.
10 (i), all moneys received from gifts, grants, contracts and the lease of excess capacity
11 to carry out the purposes for which received. If the secretary of administration
12 determines that the federal communications commission has approved the transfer
13 of all broadcasting licenses held by the board to the broadcasting corporation, as
14 defined in s. 39.81 (2), on and after the effective date of the last license transferred
15 as determined by the secretary of administration under s. 39.87 (2) (a), no moneys
16 may be encumbered under this paragraph.

17 **SECTION 476.** 20.225 (1) (h) of the statutes is amended to read:

18 20.225 (1) (h) *Instructional material*. The amounts in the schedule for
19 providing instructional materials under s. 39.11 (16). All moneys received from the
20 sale of instructional material under s. 39.11 (16) and all moneys received under s.
21 39.115 (1) shall be credited to this appropriation. If the secretary of administration
22 determines that the federal communications commission has approved the transfer
23 of all broadcasting licenses held by the board to the broadcasting corporation, as
24 defined in s. 39.81 (2), on and after the effective date of the last license transferred

SENATE BILL 55**SECTION 476**

1 as determined by the secretary of administration under s. 39.87 (2) (a), no moneys
2 may be encumbered under this paragraph.

3 **SECTION 477.** 20.225 (1) (i) of the statutes is created to read:

4 20.225 (1) (i) *Program revenue facilities; principal repayment, interest, and*
5 *rebates.* A sum sufficient from gifts and grants to reimburse s. 20.866 (1) (u) for the
6 payment of principal and interest costs incurred in financing the acquisition,
7 construction, development, enlargement, or improvement of facilities approved by
8 the building commission for operation by the educational communications board and
9 to make payments determined by the building commission under s. 13.488 (1) (m)
10 that are attributable to the proceeds of obligations incurred in financing the
11 facilities. If the secretary of administration determines that the federal
12 communications commission has approved the transfer of all broadcasting licenses
13 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and
14 after the effective date of the last license transferred as determined by the secretary
15 of administration under s. 39.87 (2) (a), no moneys may be encumbered under this
16 paragraph.

17 **SECTION 478.** 20.225 (1) (k) of the statutes is amended to read:

18 20.225 (1) (k) *Funds received from other state agencies.* All moneys received
19 from other state agencies to carry out the purposes for which received. If the
20 secretary of administration determines that the federal communications
21 commission has approved the transfer of all broadcasting licenses held by the board
22 to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
23 date of the last license transferred as determined by the secretary of administration
24 under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

25 **SECTION 479.** 20.225 (1) (kb) of the statutes is amended to read:

SENATE BILL 55**SECTION 479**

1 20.225 (1) (kb) *Emergency weather warning system operation.* From the
2 moneys received by the department of administration electronic government for the
3 provision of state telecommunications and data processing services and sale of
4 telecommunications and data processing inventory items primarily to state
5 agencies, the amounts in the schedule for the operation of the emergency weather
6 warning system under s. 39.11 (21). If the secretary of administration determines
7 that the federal communications commission has approved the transfer of all
8 broadcasting licenses held by the board to the broadcasting corporation, as defined
9 in s. 39.81 (2), on and after the effective date of the last license transferred as
10 determined by the secretary of administration under s. 39.87 (2) (a), no moneys may
11 be encumbered under this paragraph.

12 **SECTION 480.** 20.225 (1) (m) of the statutes is amended to read:

13 20.225 (1) (m) *Federal grants.* All moneys received from the federal
14 government as authorized by the governor under s. 16.54 for the purposes for which
15 made and received. If the secretary of administration determines that the federal
16 communications commission has approved the transfer of all broadcasting licenses
17 held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and
18 after the effective date of the last license transferred as determined by the secretary
19 of administration under s. 39.87 (2) (a), no moneys may be encumbered under this
20 paragraph.

21 **SECTION 481.** 20.235 (intro.) of the statutes is amended to read:

22 **20.235 Higher educational aids board.** (intro.) There is appropriated to
23 the department of education higher educational aids board for the following
24 programs:

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1 **SECTION 482.** 20.235 (1) (fy) (title) of the statutes is repealed and recreated to
2 read:

3 20.235 (1) (fy) (title) *Governor Thompson scholarship program.*

4 **SECTION 483.** 20.235 (1) (k) of the statutes is amended to read:

5 20.235 (1) (k) *Indian student assistance.* Biennially, the amounts in the
6 schedule to carry out the purposes of s. 39.38. All moneys transferred from the
7 appropriation account under s. 20.505 (8) (hm) 4i. shall be credited to this
8 appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered
9 balance on June 30 of each odd-numbered year shall revert to the appropriation
10 account under s. 20.505 (8) (hm).

11 **SECTION 484.** 20.235 (1) (km) of the statutes is amended to read:

12 20.235 (1) (km) *Wisconsin higher education grants; tribal college students.*
13 Biennially, the amounts in the schedule for the Wisconsin higher education grant
14 program under s. 39.435 for tribal college students, except for grants awarded under
15 s. 39.435 (2) or (5). All moneys transferred from the appropriation account under s.
16 20.505 (8) (hm) 10. shall be credited to this appropriation account. Notwithstanding
17 s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year
18 shall revert to the appropriation account under s. 20.505 (8) (hm).

19 **SECTION 485.** 20.235 (1) (kt) of the statutes is created to read:

20 20.235 (1) (kt) *Funds transferred from other state agencies.* All moneys
21 received from other state agencies to carry out the purposes for which received.

22 **SECTION 486.** 20.245 (1) (title) of the statutes is repealed and recreated to read:

23 20.245 (1) (title) HISTORY SERVICES.

24 **SECTION 487.** 20.245 (1) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 487**

1 20.245 (1) (a) *General program operations; ~~archives and research services~~*. The
2 amounts in the schedule for general program operations ~~related to archives and~~
3 ~~research services of the historical society, except as provided under par. (ag)~~.

4 **SECTION 488.** 20.245 (1) (ag) of the statutes is created to read:

5 20.245 (1) (ag) *General program operations; historic sites and museum services*.
6 The amounts in the schedule for the general program operations of the historic sites
7 and the historical society museum.

8 **SECTION 489.** 20.245 (1) (am) of the statutes is repealed.

9 **SECTION 490.** 20.245 (1) (c) of the statutes is repealed and recreated to read:

10 20.245 (1) (c) *Energy costs*. The amounts in the schedule to pay for utilities and
11 for fuel, heat, and air conditioning, and to pay costs incurred by or on behalf of the
12 historical society under ss. 16.858 and 16.895.

13 **SECTION 491.** 20.245 (1) (e) of the statutes is amended to read:

14 20.245 (1) (e) *Principal repayment, interest, and rebates*. A sum sufficient to
15 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
16 in financing the acquisition, construction, development, enlargement, or
17 improvement of facilities of the historical society; for the payment of principal and
18 interest costs incurred in financing the acquisition and installation of systems and
19 equipment necessary to prepare historic records for transfer to new storage facilities;
20 and to make the payments determined by the building commission under s. 13.488
21 (1) (m) that are attributable to the proceeds of obligations incurred in financing this
22 acquisition and installation.

23 **SECTION 492.** 20.245 (1) (g) of the statutes is amended to read:

24 20.245 (1) (g) *Admissions, sales, and other receipts*. All moneys received from
25 admissions, sales, ~~finances, and use of the main library, and other moneys received by~~

SENATE BILL 55

1 ~~the society for research services, except moneys that are otherwise specifically~~
2 ~~appropriated by law and other receipts, for general program operations related to~~
3 ~~research services.~~

4 **SECTION 493.** 20.245 (1) (h) of the statutes is amended to read:

5 20.245 (1) (h) *Gifts and grants.* All moneys received from gifts and grants,
6 ~~except moneys that are otherwise specifically appropriated, for purposes related to~~
7 ~~research services and bequests, to carry out the purposes for which made or received.~~

8 **SECTION 494.** 20.245 (1) (k) of the statutes is repealed.

9 **SECTION 495.** 20.245 (1) (m) of the statutes is amended to read:

10 20.245 (1) (m) *General program operations; federal funds.* All federal funds
11 ~~received for research services~~ as authorized by the governor under s. 16.54 for the
12 purpose of carrying out general program operations.

13 **SECTION 496.** 20.245 (1) (r) of the statutes is repealed.

14 **SECTION 497.** 20.245 (2) (title) and (a) of the statutes are repealed.

15 **SECTION 498.** 20.245 (2) (bd) of the statutes is repealed.

16 **SECTION 499.** 20.245 (2) (be) of the statutes is repealed.

17 **SECTION 500.** 20.245 (2) (bf) of the statutes is repealed.

18 **SECTION 501.** 20.245 (2) (bg) of the statutes is repealed.

19 **SECTION 502.** 20.245 (2) (bh) of the statutes is repealed.

20 **SECTION 503.** 20.245 (2) (bi) of the statutes is repealed.

21 **SECTION 504.** 20.245 (2) (bj) of the statutes is repealed.

22 **SECTION 505.** 20.245 (2) (c) of the statutes is repealed.

23 **SECTION 506.** 20.245 (2) (e) of the statutes is repealed.

24 **SECTION 507.** 20.245 (2) (g) of the statutes is repealed.

25 **SECTION 508.** 20.245 (2) (h) of the statutes is repealed.

SENATE BILL 55**SECTION 509**

1 **SECTION 509.** 20.245 (2) (j) of the statutes is renumbered 20.245 (1) (j) and
2 amended to read:

3 20.245 (1) (j) *Self-amortizing facilities; principal repayment, interest, and*
4 *rebates.* A sum sufficient from the revenues received under par. (g) to reimburse s.
5 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
6 the acquisition, construction, development, enlargement, or improvement of
7 facilities of the historical society related to historic sites and to make the payments
8 determined by the building commission under s. 13.488 (1) (m) that are attributable
9 to the proceeds of obligations incurred in financing such facilities.

10 **SECTION 510.** 20.245 (2) (k) of the statutes is repealed.

11 **SECTION 511.** 20.245 (2) (km) of the statutes is renumbered 20.245 (1) (km) and
12 amended to read:

13 20.245 (1) (km) *Northern Great Lakes Center.* The amounts in the schedule for
14 the operation of the Northern Great Lakes Center. All moneys transferred from the
15 appropriation account under s. 20.505 (8) (hm) 4h. shall be credited to this
16 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
17 balance on June 30 of each year shall revert to the appropriation account under s.
18 20.505 (8) (hm).

19 **SECTION 512.** 20.245 (2) (m) of the statutes is repealed.

20 **SECTION 513.** 20.245 (2) (r) of the statutes is repealed.

21 **SECTION 514.** 20.245 (2) (y) of the statutes is renumbered 20.245 (1) (y).

22 **SECTION 515.** 20.245 (3) (title) of the statutes is repealed.

23 **SECTION 516.** 20.245 (3) (a) of the statutes is repealed.

24 **SECTION 517.** 20.245 (3) (b) of the statutes is repealed.

25 **SECTION 518.** 20.245 (3) (c) of the statutes is repealed.

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1 **SECTION 519.** 20.245 (3) (d) of the statutes is repealed.

2 **SECTION 520.** 20.245 (3) (dm) of the statutes is repealed.

3 **SECTION 521.** 20.245 (3) (g) of the statutes is repealed.

4 **SECTION 522.** 20.245 (3) (gm) of the statutes is repealed.

5 **SECTION 523.** 20.245 (3) (h) of the statutes is repealed.

6 **SECTION 524.** 20.245 (3) (k) of the statutes is repealed.

7 **SECTION 525.** 20.245 (3) (m) of the statutes is repealed.

8 **SECTION 526.** 20.245 (3) (n) of the statutes is renumbered 20.245 (1) (n).

9 **SECTION 527.** 20.245 (3) (r) of the statutes is repealed.

10 **SECTION 528.** 20.245 (4) (title) of the statutes is repealed.

11 **SECTION 529.** 20.245 (4) (a) of the statutes is repealed.

12 **SECTION 530.** 20.245 (4) (c) of the statutes is repealed.

13 **SECTION 531.** 20.245 (4) (e) of the statutes is repealed.

14 **SECTION 532.** 20.245 (4) (g) of the statutes is repealed.

15 **SECTION 533.** 20.245 (4) (h) of the statutes is repealed.

16 **SECTION 534.** 20.245 (4) (k) of the statutes is renumbered 20.245 (1) (ks).

17 **SECTION 535.** 20.245 (4) (m) of the statutes is repealed.

18 **SECTION 536.** 20.245 (4) (pz) of the statutes is renumbered 20.245 (1) (pz).

19 **SECTION 537.** 20.245 (4) (q) of the statutes is renumbered 20.245 (1) (q) and
20 amended to read:

21 20.245 (1) (q) *Endowment principal*. As a continuing appropriation, from the
22 historical society trust fund, all moneys, securities, and other assets received, to be
23 credited to the appropriations under par. (r) or sub. (1) (r), (2) (r), (3) (r) or (5) (r), in
24 accordance with carry out the purposes for which the assets are received.

25 **SECTION 538.** 20.245 (4) (r) of the statutes is repealed.

SENATE BILL 55**SECTION 539**

1 **SECTION 539.** 20.245 (4) (s) of the statutes is renumbered 20.245 (1) (s).

2 **SECTION 540.** 20.245 (4) (t) of the statutes is renumbered 20.245 (1) (t).

3 **SECTION 541.** 20.245 (5) of the statutes is repealed.

4 **SECTION 542.** 20.255 (1) (c) of the statutes is amended to read:

5 20.255 (1) (c) *Energy costs; School for the Deaf and Center for the Blind and*
6 *Visually Impaired.* The amounts in the schedule to be used at the Wisconsin School
7 for the Deaf and the Wisconsin Center for the Blind and Visually Impaired to pay for
8 utilities and for fuel, heat and air conditioning, and to pay costs incurred by or on
9 behalf of the department under ss. 16.858 and 16.895, ~~and to repay to the energy~~
10 ~~efficiency fund loans made to the department under s. 16.847 (6).~~

11 **SECTION 543.** 20.255 (1) (dt) of the statutes is repealed.

12 **SECTION 544.** 20.255 (1) (dw) of the statutes is amended to read:

13 20.255 (1) (dw) *Pupil assessment.* The amounts in the schedule for the costs
14 of the examinations developed and administered under s. ss. 118.30 and ~~for the~~
15 ~~review and modification of academic standards, as provided under 1997 Wisconsin~~
16 ~~Act 27, section 9140 (5r) 121.02 (1) (r).~~

17 **SECTION 545.** 20.255 (1) (dw) of the statutes, as affected by 2001 Wisconsin Act
18 (this act), is repealed.

19 **SECTION 546.** 20.255 (2) (ac) of the statutes is amended to read:

20 20.255 (2) (ac) *General equalization aids.* A sum sufficient for the payment of
21 educational aids under ss. 121.08, 121.09, and 121.105 and subch. VI of ch. 121 equal
22 to \$3,767,893,500 in the 1999-2000 fiscal year and equal to the amount determined
23 by the joint committee on finance under s. 121.15 (3m) (c) in each fiscal year
24 thereafter, ~~less the amount appropriated under par. (bi).~~

25 **SECTION 547.** 20.255 (2) (bi) of the statutes is repealed.

SENATE BILL 55

1 **SECTION 548.** 20.255 (2) (br) of the statutes is repealed.

2 **SECTION 549.** 20.255 (2) (cu) of the statutes is amended to read:

3 20.255 (2) (cu) *Achievement guarantee contracts.* The amounts in the schedule
4 for aid to school districts ~~and the program evaluation~~ under s. 118.43. ~~No funds may~~
5 ~~be encumbered from this appropriation after June 30, 2005.~~

6 **SECTION 550.** 20.255 (2) (cv) of the statutes is amended to read:

7 20.255 (2) (cv) *Achievement guarantee contracts; supplement.* The amounts in
8 the schedule for aid to school districts under s. 118.43. ~~No funds may be encumbered~~
9 ~~from this appropriation after June 30, 2003.~~

10 **SECTION 551.** 20.255 (2) (cw) of the statutes is amended to read:

11 20.255 (2) (cw) *Aid for transportation to institutions of higher education and*
12 *technical colleges; part-time open enrollment; youth options program.* The amounts
13 in the schedule for the payment of state aid for the transportation of pupils attending
14 an institution of higher education or technical college under s. 118.55 (7g) ~~and for the~~
15 ~~reimbursement of parents for the costs of transportation of pupils who are eligible~~
16 ~~for assistance under s. 118.52 (11) (b).~~

17 **SECTION 552.** 20.255 (2) (cy) of the statutes is amended to read:

18 20.255 (2) (cy) *Aid for transportation; full-time open enrollment.* The amounts
19 in the schedule to reimburse parents for the costs of transportation of ~~full-time open~~
20 enrollment pupils under s. ss. 118.51 (14) (b) and 118.52 (11) (b).

21 **SECTION 553.** 20.255 (2) (es) of the statutes is created to read:

22 20.255 (2) (es) *Grants for consolidation and coordination studies.* The amounts
23 in the schedule for grants to school districts to study consolidation or coordination
24 under s. 115.28 (33).

25 **SECTION 554.** 20.255 (2) (fh) of the statutes is created to read:

SENATE BILL 55**SECTION 554**

1 20.255 (2) (fh) *Grants for cooperative educational service agencies.* The
2 amounts in the schedule for grants to cooperative educational service agencies to
3 develop education services for school districts under s. 116.12.

4 **SECTION 555.** 20.255 (2) (fj) of the statutes is created to read:

5 20.255 (2) (fj) *School performance grants.* The amounts in the schedule for
6 school performance grants under s. 115.415.

7 **SECTION 556.** 20.255 (2) (fr) of the statutes is created to read:

8 20.255 (2) (fr) *Grants for school decentralization plans.* The amounts in the
9 schedule for grants to implement school decentralization plans under s. 118.39 (6)
10 (b).

11 **SECTION 557.** 20.255 (2) (fs) of the statutes is created to read:

12 20.255 (2) (fs) *Grants for training school administrators.* The amounts in the
13 schedule for school administrators under s. 118.39 (6) (c).

14 **SECTION 558.** 20.255 (2) (fz) of the statutes is created to read:

15 20.255 (2) (fz) *Charter school development loans.* As a continuing
16 appropriation, the amounts in the schedule for charter school development loans
17 under s. 118.40 (9).

18 **SECTION 559.** 20.255 (2) (g) of the statutes is created to read:

19 20.255 (2) (g) *Charter school development loans; repayments.* All moneys
20 received from the repayment of charter school development loans under s. 118.40 (9),
21 for additional charter school development loans under s. 118.40 (9).

22 **SECTION 560.** 20.255 (2) (km) of the statutes is amended to read:

23 20.255 (2) (km) *Alternative school American Indian language and culture*
24 *education aid.* The amounts in the schedule for the payment of aid to alternative
25 schools for American Indian language and culture education programs under s.

SENATE BILL 55**SECTION 560**

1 115.75. All moneys transferred from the appropriation account under s. 20.505 (8)
2 (hm) 11. shall be credited to this appropriation account. Notwithstanding s. 20.001
3 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
4 appropriation account under s. 20.505 (8) (hm).

5 **SECTION 561.** 20.255 (2) (q) of the statutes is repealed.

6 **SECTION 562.** 20.255 (3) (ec) of the statutes is repealed.

7 **SECTION 563.** 20.255 (3) (L) of the statutes is created to read:

8 20.255 (3) (L) *Periodical and reference information databases; funds received.*
9 All moneys received from school districts under s. 115.28 (26) for the costs of the
10 contract for periodical and reference information databases under s. 115.28 (26). No
11 funds may be encumbered from this appropriation after June 30, 2003.

12 **SECTION 564.** 20.275 (1) (er) of the statutes is amended to read:

13 20.275 (1) (er) *Principal, interest and rebates; general purpose revenue — public*
14 *library boards.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
15 principal and interest costs incurred in financing educational technology
16 infrastructure financial assistance to public library boards under s. 44.72 (4) (a) 1.
17 or 2. and to make full payment of the amounts determined by the building
18 commission under s. 13.488 (1) (m), to the extent that these costs and payments are
19 not paid under par. (hb).

20 **SECTION 565.** 20.275 (1) (es) of the statutes is amended to read:

21 20.275 (1) (es) *Principal, interest and rebates; general purpose revenue —*
22 *school districts schools.* A sum sufficient to reimburse s. 20.866 (1) (u) for the
23 payment of principal and interest costs incurred in financing educational technology
24 infrastructure financial assistance to school districts and charter school sponsors
25 under s. 44.72 (4) (a) 1. and to make full payment of the amounts determined by the

SENATE BILL 55**SECTION 565**

1 building commission under s. 13.488 (1) (m), to the extent that these costs and
2 payments are not paid under par. (h).

3 **SECTION 566.** 20.275 (1) (et) of the statutes is amended to read:

4 20.275 (1) (et) *Educational technology training and technical assistance*
5 *grants.* Biennially, the amounts in the schedule for grants to secured correctional
6 facilities, as defined in s. 44.70 (3r), cooperative educational service agencies and
7 consortia under s. 44.72 (1) and to the board of regents of the University of Wisconsin
8 System under 1999 Wisconsin Act 9, section 9148 (2g).

9 **SECTION 567.** 20.275 (1) (f) of the statutes is amended to read:

10 20.275 (1) (f) *Educational technology block grants.* The amounts in the
11 schedule to make payments to school districts, secured correctional facilities, as
12 defined in s. 44.70 (3r), and charter school sponsors under s. 44.72 (2) (b) 2.

13 **SECTION 568.** 20.275 (1) (h) of the statutes is amended to read:

14 20.275 (1) (h) *Principal, interest and rebates; program revenue — school*
15 *districts schools.* All moneys received under s. 44.72 (4) (c) to reimburse s. 20.866 (1)
16 (u) for the payment of principal and interest costs incurred in financing educational
17 technology infrastructure financial assistance to school districts and charter school
18 sponsors under s. 44.72 (4) (a) 1. and to make full payment of the amounts
19 determined by the building commission under s. 13.488 (1) (m).

20 **SECTION 569.** 20.275 (1) (hb) of the statutes is amended to read:

21 20.275 (1) (hb) *Principal, interest and rebates; program revenue — public*
22 *library boards.* All moneys received under s. 44.72 (4) (c) to reimburse s. 20.866 (1)
23 (u) for the payment of principal and interest costs incurred in financing educational
24 technology infrastructure financial assistance to public library boards under s. 44.72

SENATE BILL 55**SECTION 569**

1 (4) (a) 1. or 2. and to make full payment of the amounts determined by the building
2 commission under s. 13.488 (1) (m).

3 **SECTION 570.** 20.275 (1) (k) of the statutes is created to read:

4 20.275 (1) (k) *Funds received from other state agencies.* All moneys received
5 from other state agencies to carry out the purposes for which received.

6 **SECTION 571.** 20.275 (1) (L) of the statutes is amended to read:

7 20.275 (1) (L) *Equipment purchases and leases.* All moneys received from
8 school districts, cooperative educational service agencies and public educational
9 institutions for the purchase or lease of educational technology equipment under s.
10 44.71 (2) ~~(a)-8.~~ (h), for the purpose of purchasing such equipment.

11 **SECTION 572.** 20.275 (1) (s) of the statutes is amended to read:

12 20.275 (1) (s) *Telecommunications access; school districts; grant.* Biennially,
13 from the universal service fund, the amounts in the schedule to make payments to
14 telecommunications providers under contracts with the department of
15 administration under s. 16.974 ~~(7)-(a)~~ (1) to the extent that the amounts due are not
16 paid from the appropriation under s. ~~20.505~~ 20.530 (1) (is) ~~and;~~ prior to July 1, 2002,
17 to make grants to school districts under s. 44.73 (6); and, in the ~~1999-2000~~ 2001-02
18 fiscal year, to ~~award a grant to the distance learning network under 1999 Wisconsin~~
19 ~~Act 9, section 9148 (4w)~~ conduct pilot projects under 2001 Wisconsin Act ... (this act),
20 section 9149 (2).

21 **SECTION 573.** 20.275 (1) (t) of the statutes is amended to read:

22 20.275 (1) (t) *Telecommunications access; private and technical colleges and*
23 *libraries.* Biennially, from the universal service fund, the amounts in the schedule
24 to make payments to telecommunications providers under contracts with the

SENATE BILL 55**SECTION 573**

1 department of administration under s. 16.974 ~~(7)-(b)~~ (2) to the extent that the
2 amounts due are not paid from the appropriation under s. ~~20.505-20.530~~ (1) (is).

3 **SECTION 574.** 20.275 (1) (tm) of the statutes is amended to read:

4 20.275 (1) (tm) *Telecommunications access; private schools.* Biennially, from
5 the universal service fund, the amounts in the schedule to make payments to
6 telecommunications providers under contracts with the department of
7 administration under s. 16.974 ~~(7)-(e)~~ (3) to the extent that the amounts due are not
8 paid from the appropriation under s. ~~20.505~~ 20.530 (1) (is) and, prior to July 1, 2002,
9 to make grants to private schools under s. 44.73 (6).

10 **SECTION 575.** 20.275 (1) (tu) of the statutes is amended to read:

11 20.275 (1) (tu) *Telecommunications access; state schools.* Biennially, from the
12 universal service fund, the amounts in the schedule to make payments to
13 telecommunications providers under contracts with the department of
14 administration under s. 16.974 ~~(7)-(d)~~ (4) to the extent that the amounts due are not
15 paid from the appropriation under s. ~~20.505-(1)-(kL)~~ 20.530 (1) (ke).

16 **SECTION 576.** 20.275 (1) (tw) of the statutes is created to read:

17 20.275 (1) (tw) *Telecommunications access; secured correctional facilities.*
18 Biennially, from the universal service fund, the amounts in the schedule to make
19 payments to telecommunications providers under contracts with the department of
20 administration under s. 16.974 (1) to the extent that the amounts due are not paid
21 from the appropriation under s. 20.530 (1) (ke).

22 **SECTION 577.** 20.285 (1) (c) of the statutes is amended to read:

23 20.285 (1) (c) *Energy costs.* The amounts in the schedule to pay for utilities and
24 for fuel, heat and air conditioning, and to pay costs incurred under ss. 16.858 and
25 16.895, including all operating costs recommended by the department of

SENATE BILL 55**SECTION 577**

1 administration that result from the installation of pollution abatement equipment
2 in state-owned or operated heating, cooling or power plants, by or on behalf of the
3 board of regents, ~~and to repay to the energy efficiency fund loans made to the board~~
4 ~~under s. 16.847 (6).~~

5 **SECTION 578.** 20.285 (1) (hp) of the statutes is created to read:

6 20.285 (1) (hp) *Contract services to broadcasting corporation.* All moneys
7 received from the corporation described under s. 39.82 (1) for services provided under
8 a contract entered into under s. 36.25 (5m) (b) 1.

9 **SECTION 579.** 20.285 (1) (im) of the statutes is amended to read:

10 20.285 (1) (im) *Academic student fees.* Except as provided under pars. (ip), (ir),
11 (Lm), and (Ls), all moneys received from academic student fees for degree credit
12 instruction, other than for credit outreach instruction sponsored by the University
13 of Wisconsin-Extension.

14 **SECTION 580.** 20.285 (1) (ir) of the statutes is created to read:

15 20.285 (1) (ir) *Academic fees and tuition; supplemental.* All moneys received
16 from academic fees and tuition for courses for which nonresident and resident
17 students pay the same academic fees or tuition and for which the academic fees or
18 tuition charged equals 100% of the cost of offering the course, for instruction in such
19 courses.

20 **SECTION 581.** 20.285 (1) (km) of the statutes is amended to read:

21 20.285 (1) (km) *Aquaculture demonstration facility; principal repayment and*
22 *interest.* The amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment
23 of principal and interest costs incurred in financing the construction of the
24 aquaculture demonstration facility enumerated under 1999 Wisconsin Act 9, section
25 9107 (1) (i) 3. and to make the payments determined by the building commission

SENATE BILL 55**SECTION 581**

1 under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred
2 in financing that facility. All moneys transferred from the appropriation account
3 under s. 20.505 (8) (hm) 1c. shall be credited to this appropriation account.
4 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
5 shall revert to the appropriation account under s. 20.505 (8) (hm).

6 **SECTION 582.** 20.285 (1) (kn) of the statutes is amended to read:

7 20.285 (1) (kn) *Aquaculture demonstration facility; operational costs.* The
8 amounts in the schedule for the operational costs of the aquaculture demonstration
9 facility enumerated under 1999 Wisconsin Act 9, section 9107 (1) (i) 3. All moneys
10 transferred from the appropriation account under s. 20.505 (8) (hm) 11a. shall be
11 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
12 unencumbered balance on June 30 of each year shall revert to the appropriation
13 account under s. 20.505 (8) (hm).

14 **SECTION 583.** 20.292 (1) (gm) of the statutes is amended to read:

15 20.292 (1) (gm) *Fire schools; state operations.* The amounts in the schedule for
16 supervising and conducting schools for instruction in fire protection and prevention
17 and emergency extrication under s. 38.04 (9). All moneys transferred from s. 20.143
18 (3) (L) to this appropriation shall be credited to this appropriation.

19 **SECTION 584.** 20.292 (1) (km) of the statutes is created to read:

20 20.292 (1) (km) *Internet courses.* All moneys transferred under 2001 Wisconsin
21 Act (this act), section 9101 (10) (a) 6., to assist district boards in developing
22 Internet courses under s. 38.04 (30) (c) and to establish an Internet site relating to
23 such courses under s. 38.04 (30) (a).

24 **SECTION 585.** 20.370 (1) (title) of the statutes is amended to read:

25 20.370 (1) (title) LAND AND FORESTRY.

SENATE BILL 55**SECTION 586**

1 **SECTION 586.** 20.370 (1) (hk) of the statutes is amended to read:

2 20.370 (1) (hk) *Elk management.* From the general fund, the amounts in the
3 schedule for the costs associated with the management of the elk population in this
4 state and for the costs associated with the transportation of elk brought into the
5 state. All moneys transferred from the appropriation account under s. 20.505 (8)
6 (hm) 8g. shall be credited to this appropriation account. Notwithstanding s. 20.001
7 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
8 appropriation account under s. 20.505 (8) (hm).

9 **SECTION 587.** 20.370 (1) (hq) of the statutes is created to read:

10 20.370 (1) (hq) *Elk hunting fees.* All moneys received from the sale of elk
11 hunting licenses under s. 29.182 and from voluntary contributions under s. 29.567
12 to be used for administering elk hunting licenses, for elk management and research
13 activities, and for the elk hunter education program under s. 29.595.

14 **SECTION 588.** 20.370 (1) (ik) of the statutes is created to read:

15 20.370 (1) (ik) *Deer management.* From the general fund, the amounts in the
16 schedule for the costs associated with the management of the deer population in the
17 state. All moneys transferred from the appropriation account under s. 20.505 (8)
18 (hm) 8h. shall be credited to this appropriation account. Notwithstanding s. 20.001
19 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
20 appropriation account under s. 20.505 (8) (hm).

21 **SECTION 589.** 20.370 (1) (Lk) of the statutes, as affected by 1999 Wisconsin Act
22 9, section 308L, is amended to read:

23 20.370 (1) (Lk) *Wild crane management.* From the general fund, the amounts
24 in the schedule for the costs associated with reintroducing whooping cranes into the
25 state. All moneys transferred from the appropriation account under s. 20.505 (8)

SENATE BILL 55**SECTION 589**

1 (hm) 8i. shall be credited to this appropriation account. Notwithstanding s. 20.001
2 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
3 appropriation account under s. 20.505 (8) (hm).

4 **SECTION 590.** 20.370 (1) (Lv) of the statutes is created to read:

5 20.370 (1) (Lv) *Master hunter education program.* As a continuing
6 appropriation, all moneys remitted to the department under s. 29.592 (3) (b) and all
7 moneys received from fees collected under s. 29.563 (12) (c) 2m. for the master hunter
8 education program under s. 29.592.

9 **SECTION 591.** 20.370 (1) (ms) of the statutes is amended to read:

10 20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.*
11 The amounts in the schedule from moneys received from all-terrain vehicle fees
12 under s. 23.33 (2) (c) to (e) for state all-terrain vehicle projects.

13 **SECTION 592.** 20.370 (1) (my) of the statutes is amended to read:

14 20.370 (1) (my) *General program operations — federal funds.* All moneys
15 received as federal aid for land, forestry, and wildlife management, as authorized by
16 the governor under s. 16.54 for the purposes for which received.

17 **SECTION 593.** 20.370 (2) (du) of the statutes is created to read:

18 20.370 (2) (du) *Solid waste management — site-specific remediation.* From the
19 environmental fund, all moneys received, other than from the federal government,
20 for the remediation of environmental contamination at specific sites, under
21 settlement agreements or orders and all moneys received in settlement of actions
22 initiated under 42 USC 9601 to 9675 for environmental remediation, restoration,
23 and development, including the replacement of fish or wildlife, that has not been
24 conducted when the moneys are received, to carry out the purposes for which
25 received.

SENATE BILL 55**SECTION 594**

1 **SECTION 594.** 20.370 (2) (eq) of the statutes is amended to read:

2 20.370 (2) (eq) *Solid waste management — dry cleaner environmental response.*

3 From the dry cleaner environmental response fund, the amounts in the schedule for
4 review of remedial action under ~~ss. s. 292.65 and 292.66.~~

5 **SECTION 595.** 20.370 (3) (ak) of the statutes is amended to read:

6 20.370 (3) (ak) *Law enforcement — snowmobile enforcement and safety*
7 *training; service funds.* From the general fund, the amounts in the schedule for
8 snowmobile enforcement operations under ss. 350.055, 350.12 (4) (a) 2m., 3., and
9 3m., and 350.155 and for safety training and fatality reporting. All moneys
10 transferred from the appropriation account under s. 20.505 (8) (hm) 8k. shall be
11 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
12 unencumbered balance on June 30 of each year shall revert to the appropriation
13 account under s. 20.505 (8) (hm).

14 **SECTION 596.** 20.370 (3) (as) of the statutes is amended to read:

15 20.370 (3) (as) *Law enforcement — all-terrain vehicle enforcement.* The
16 amounts in the schedule from moneys received from all-terrain vehicle fees under
17 s. 23.33 (2) (c) to (e), for state law enforcement operations related to all-terrain
18 vehicles, including actual enforcement, safety training, accident reporting, and
19 similar activities.

20 **SECTION 597.** 20.370 (3) (ma) of the statutes is amended to read:

21 20.370 (3) (ma) *General program operations — state funds.* From the general
22 fund, the amounts in the schedule for regulatory and enforcement operations under
23 chs. 30, 31 and 280 to 299, except s. 281.48, and ss. 44.47, 59.692, 59.693, 61.351,
24 61.354, 62.231, 62.234 and 87.30, for reimbursement of the conservation fund for
25 expenses incurred for actions taken under s. 166.04; for nonpoint source water

SENATE BILL 55**SECTION 597**

1 pollution research, evaluation, and monitoring; for review of environmental impact
2 requirements under ss. 1.11 and 23.40; and for enforcement of the treaty-based,
3 off-reservation rights to fish, hunt and gather held by members of federally
4 recognized American Indian tribes or bands.

5 **SECTION 598.** 20.370 (3) (mt) of the statutes is repealed.

6 **SECTION 599.** 20.370 (4) (as) of the statutes is renumbered 20.370 (4) (ab) and
7 amended to read:

8 20.370 (4) (ab) *Water resources — trading water pollution credits.* As a
9 continuing appropriation, from the ~~environmental~~ general fund, the amounts in the
10 schedule for water pollution credit trading pilot projects under s. 283.84.

11 **SECTION 600.** 20.370 (4) (at) of the statutes is renumbered 20.370 (4) (ac) and
12 amended to read:

13 20.370 (4) (ac) *Watershed — nonpoint source contracts.* Biennially, from the
14 ~~environmental~~ general fund, the amounts in the schedule for nonpoint source water
15 pollution abatement program contracts under s. 281.65 (4g).

16 **SECTION 601.** 20.370 (4) (bj) of the statutes is amended to read:

17 20.370 (4) (bj) *Storm water management — fees.* From the general fund, the
18 amounts in the schedule for the administration, including enforcement, of the storm
19 water discharge permit program under s. 283.33. All moneys received under s.
20 283.33 (9) shall be credited to this appropriation account.

21 **SECTION 602.** 20.370 (4) (kk) of the statutes is amended to read:

22 20.370 (4) (kk) *Fishery resources for ceded territories.* From the general fund,
23 the amounts in the schedule for the management of the state's fishery resources
24 within an area where federally recognized American Indian tribes or bands
25 domiciled in this state hold treaty-based, off-reservation rights to fish and for

SENATE BILL 55**SECTION 602**

1 liaison activities with these tribes or bands that relate to fishery resources. All
2 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8d. shall
3 be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
4 unencumbered balance of June 30 of each year shall revert to the appropriation
5 account under s. 20.505 (8) (hm).

6 **SECTION 603.** 20.370 (4) (mr) of the statutes is repealed.

7 **SECTION 604.** 20.370 (5) (by) of the statutes is amended to read:

8 20.370 (5) (by) *Resource aids — fire suppression grants.* The amounts in the
9 schedule for grants for fire suppression clothing, supplies, equipment, and vehicles,
10 for acquiring fire prevention materials, and for training fire fighters under s. 26.145.

11 **SECTION 605.** 20.370 (5) (cq) of the statutes, as affected by 1999 Wisconsin Act
12 9, is amended to read:

13 20.370 (5) (cq) *Recreation aids — recreational boating and other projects.* As
14 a continuing appropriation, the amounts in the schedule for recreational boating
15 aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for the
16 Portage levee system and the Portage canal under s. 31.309, for development of a
17 state park under s. 23.198, for funding for the Fox River Navigational System
18 Authority under s. 237.08 (2), and for the engineering and environmental study
19 under s. 31.307.

20 **SECTION 606.** 20.370 (5) (cu) of the statutes is amended to read:

21 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
22 continuing appropriation, the amounts in the schedule from moneys received from
23 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
24 cities, counties, and federal agencies for nonstate all-terrain vehicle projects.

25 **SECTION 607.** 20.370 (5) (cw) of the statutes is created to read:

SENATE BILL 55**SECTION 607**

1 20.370 (5) (cw) *Recreation aids — supplemental snowmobile trail aids.* As a
2 continuing appropriation, from the snowmobile account in the conservation fund an
3 amount equal to the amount calculated under s. 350.12 (4) (bg) 2. for the purposes
4 specified in s. 350.12 (4) (b).

5 **SECTION 608.** 20.370 (5) (ek) of the statutes is created to read:

6 20.370 (5) (ek) *Enforcement aids — snowmobile enforcement; service funds.*
7 From the general fund, the amounts in the schedule for providing law enforcement
8 aids to counties as authorized under s. 350.12 (4) (a) 4. to be used exclusively for the
9 enforcement of ch. 350. All moneys transferred from the appropriation account
10 under s. 20.505 (8) (hm) 8m. shall be credited to this appropriation account.
11 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
12 shall revert to the appropriation account under s. 20.505 (8) (hm).

13 **SECTION 609.** 20.370 (5) (er) of the statutes is amended to read:

14 20.370 (5) (er) *Enforcement aids — all-terrain vehicle enforcement.* The
15 amounts in the schedule from moneys received from all-terrain vehicle fees under
16 s. 23.33 (2) (c) to (e) for local law enforcement aids.

17 **SECTION 610.** 20.370 (5) (ft) of the statutes is created to read:

18 20.370 (5) (ft) *Venison processing; voluntary contributions.* All moneys received
19 from voluntary contributions under s. 29.565 to be used for payments under the
20 venison processing and donation program under s. 29.89 and for promotional and
21 educational activities and materials to encourage voluntary contributions under s.
22 29.565.

23 **SECTION 611.** 20.370 (6) (aq) of the statutes is repealed.

24 **SECTION 612.** 20.370 (6) (ar) of the statutes is amended to read:

SENATE BILL 55**SECTION 612**

1 20.370 (6) (ar) *Environmental aids — lake protection*. From the conservation
2 fund, as a continuing appropriation, the amounts in the schedule for grants and
3 contracts under ss. 281.68 and 281.69 and for signs identifying premier lakes under
4 s. 281.69 (4m).

5 **SECTION 613.** 20.370 (6) (au) of the statutes is renumbered 20.370 (6) (ac) and
6 amended to read:

7 20.370 (6) (ac) *Environmental aids — river protection; environmental fund*.
8 ~~From the environmental fund, the~~ The amounts in the schedule for river protection
9 grants under s. 281.70. ~~Notwithstanding 20.001 (3) (a), on June 30 of each fiscal year~~
10 ~~the unencumbered balance in this appropriation account shall be transferred to the~~
11 ~~appropriation account under par. (ar)~~.

12 **SECTION 614.** 20.370 (6) (bq) of the statutes is repealed.

13 **SECTION 615.** 20.370 (6) (bt) of the statutes is created to read:

14 20.370 (6) (bt) *Regional recycling grants*. From the recycling fund, the amounts
15 in the schedule for the regional recycling grants under s. 287.24.

16 **SECTION 616.** 20.370 (6) (dk) of the statutes is amended to read:

17 20.370 (6) (dk) *Environmental aids — Oneida Nation; Indian gaming*. The
18 amounts in the schedule for nonpoint grants and assistance to the Oneida Nation of
19 Chippewa under s. 281.65. All moneys transferred from the appropriation account
20 under s. 20.505 (8) (hm) 17e. shall be credited to this appropriation account.
21 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
22 shall revert to the appropriation account under s. 20.505 (8) (hm).

23 **SECTION 617.** 20.370 (6) (dq) of the statutes is renumbered 20.370 (6) (db) and
24 amended to read:

SENATE BILL 55**SECTION 617**

1 20.370 (6) (db) *Environmental aids — urban nonpoint source*. ~~From the~~
2 ~~environmental fund, Biennially, the amounts in the schedule to provide financial~~
3 ~~assistance for urban nonpoint source water pollution abatement and storm water~~
4 ~~management under s. 281.66 and for municipal flood control and riparian~~
5 ~~restoration under s. 281.665.~~

6 **SECTION 618.** 20.370 (6) (eq) of the statutes is amended to read:

7 20.370 (6) (eq) *Environmental aids — dry cleaner environmental response*.
8 Biennially, from the dry cleaner environmental response fund, the amounts in the
9 schedule for financial assistance under ~~ss. s. 292.65 and 292.66~~ and to make
10 transfers required under s. 292.65 (11).

11 **SECTION 619.** 20.370 (6) (er) of the statutes is repealed.

12 **SECTION 620.** 20.370 (6) (et) of the statutes is repealed.

13 **SECTION 621.** 20.370 (7) (au) of the statutes is created to read:

14 20.370 (7) (au) *State forest acquisition and development — principal*
15 *repayment and interest*. From the conservation fund, the amounts in the schedule
16 to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
17 in financing land acquisition and development for state forests from the
18 appropriations under s. 20.866 (2) (ta) and (tz). No moneys may be expended or
19 encumbered from this appropriation after June 30, 2003.

20 **SECTION 622.** 20.370 (7) (mk) of the statutes is created to read:

21 20.370 (7) (mk) *General program operations — service funds*. From the general
22 fund, all moneys received by the department from the department and from other
23 state agencies for facilities, materials, or services provided by the department
24 relating to resource acquisition or development to pay for expenses associated with
25 those facilities, materials, or services.

SENATE BILL 55**SECTION 623**

1 **SECTION 623.** 20.370 (9) (hk) of the statutes is amended to read:

2 20.370 (9) (hk) *Approval fees to Lac du Flambeau band-service funds.* From
3 the general fund, the amounts in the schedule for the purpose of making payments
4 to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a).
5 All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r.
6 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
7 unencumbered balance on June 30 of each year shall revert to the appropriation
8 account under s. 20.505 (8) (hm).

9 **SECTION 624.** 20.370 (9) (hu) of the statutes is amended to read:

10 20.370 (9) (hu) *Handling and other fees.* All moneys received by the
11 department as specified under ss. 23.33 (2) (o), 29.556, 30.52 (1m) (e), and 350.12 (3h)
12 (g) for licensing, for the issuing and renewing of certificates and registrations by the
13 department under ss. 23.33 (2) (i) and (ig), 30.52 (1m) (a) and (ag), and 350.12 (3h)
14 (a) and (ag).

15 **SECTION 625.** 20.370 (9) (jL) of the statutes is amended to read:

16 20.370 (9) (jL) *Fox River management; fees.* From the general fund, all moneys
17 received from user fees imposed under s. 30.93 (4) ~~or 30.94 (5)~~ for the management
18 and operation of the Fox River navigational system and for expenses of the Fox River
19 management commission under s. 30.93 ~~and, after the date on which the governor~~
20 ~~makes the certification under s. 30.94 (8), for the management, operation,~~
21 ~~restoration and repair of the Fox River navigational system and expenses of the~~
22 ~~Fox-Winnebago regional management commission under s. 30.94.~~ No moneys may
23 be encumbered from this appropriation after the date on which the state and the Fox
24 River Navigational System Authority enter into the lease agreement specified in s.
25 237.06.

SENATE BILL 55**SECTION 626**

1 **SECTION 626.** 20.370 (9) (ju) of the statutes is amended to read:

2 20.370 (9) (ju) *Fox River management.* Biennially, the amounts in the schedule
3 for the management and operation of the Fox River navigational system and for
4 expenses of the Fox River management commission under s. 30.93 and, after the date
5 on which the governor makes the certification under s. 30.94 (8), for the
6 management, operation, restoration and repair of the Fox River navigational system
7 and expenses of the Fox-Winnebago regional management commission. No moneys
8 may be encumbered from this appropriation after the date on which the state and the
9 Fox River Navigational System Authority enter into the lease agreement specified
10 in s. 237.06.

11 **SECTION 627.** 20.370 (9) (my) of the statutes is amended to read:

12 20.370 (9) (my) *General program operations — federal funds.* All moneys
13 received as federal aid for the restoration and repair of the Fox River navigational
14 system, for expenses of the Fox River management commission, for the
15 Fox-Winnebago regional management commission and for communications,
16 customer services and aids administration, as authorized by the governor under s.
17 16.54, for the purposes for which received.

18 **SECTION 628.** 20.370 (9) (nq) of the statutes is amended to read:

19 20.370 (9) (nq) *Aids administration — dry cleaner environmental response.*
20 From the dry cleaner environmental response fund, the amounts in the schedule to
21 administer ss. s. 292.65 and 292.66.

22 **SECTION 629.** 20.373 of the statutes is created to read:

23 **20.373 Fox River Navigational System Authority.** There is appropriated,
24 from the conservation fund, to the Fox River Navigational System Authority for the
25 following program:

SENATE BILL 55

1 **(1)** INITIAL COSTS. (r) *Establishment and operation.* As a continuing
2 appropriation, the amounts in the schedule for the establishment of the Fox River
3 Navigational System Authority and for the initial costs of operating the Fox River
4 Navigational System Authority and the Fox River navigational system.

5 **SECTION 630.** 20.380 (1) (kg) of the statutes is amended to read:

6 20.380 **(1)** (kg) *Tourism marketing; gaming revenue.* All moneys transferred
7 from the appropriation account under s. 20.505 (8) (hm) 6. for tourism marketing
8 service expenses and the execution of the functions under ss. 41.11 (4) and 41.17 and
9 for the grants under 1999 Wisconsin Act 9, section 9149 (2c) and (2tw). In each fiscal
10 year, the department shall expend for tourism marketing service expenses and the
11 execution of the functions under ss. 41.11 (4) and 41.17 an amount that bears the
12 same proportion to the amount in the schedule for the fiscal year as the amount
13 expended under par. (b) in that fiscal year bears to the amount in the schedule for
14 par. (b) for that fiscal year. Of the amounts in the schedule, \$200,000 shall be
15 allocated for grants to the Milwaukee Public Museum for Native American exhibits
16 and activities. Notwithstanding s. 20.001 (3) (c), the unencumbered balance on June
17 30 of each odd-numbered year shall revert to the appropriation account under s.
18 20.505 (8) (hm).

19 **SECTION 631.** 20.380 (1) (km) of the statutes is amended to read:

20 20.380 **(1)** (km) *Tourist information assistant.* The amounts in the schedule to
21 pay for a tourist information assistant. All moneys transferred from the
22 appropriation account under s. 20.505 (8) (hm) 6. shall be credited to this
23 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
24 balance on June 30 of each year shall revert to the appropriation account under s.
25 20.505 (8) (hm).

SENATE BILL 55**SECTION 632**

1 **SECTION 632.** 20.380 (2) (dq) of the statutes is renumbered 20.380 (2) (r) and
2 amended to read:

3 20.380 (2) (r) *Kickapoo valley reserve; aids in lieu of taxes.* ~~—A—~~ From the
4 conservation fund, a sum sufficient to pay aids to taxing jurisdictions for the
5 Kickapoo valley reserve under s. 41.41 (10).

6 **SECTION 633.** 20.395 (1) (bs) of the statutes is amended to read:

7 20.395 (1) (bs) ~~*Demand management and ride-sharing grants*~~ *Transportation*
8 *employment and mobility, state funds.* ~~The~~ As a continuing appropriation, the
9 amounts in the schedule for the ~~demand management and ride-sharing grant~~
10 transportation employment and mobility program under s. 85.24 (3) (d) and for the
11 grant under 2001 Wisconsin Act (this act), section 9152 (5).

12 **SECTION 634.** 20.395 (1) (bv) of the statutes is amended to read:

13 20.395 (1) (bv) ~~*Transit and demand management*~~ *transportation employment*
14 *and mobility aids, local funds.* All moneys received from any local unit of
15 government or other source for urban mass transit purposes under s. 85.20, for rural
16 public transportation purposes under s. 85.23, or for ~~demand management and~~
17 ~~ride-sharing purposes~~ transportation employment and mobility purposes under s.
18 85.24 that are not funded from other appropriations under this subsection, for such
19 purposes.

20 **SECTION 635.** 20.395 (1) (bx) of the statutes is amended to read:

21 20.395 (1) (bx) ~~*Transit and demand management*~~ *transportation employment*
22 *and mobility aids, federal funds.* All moneys received from the federal government
23 for urban mass transit purposes under s. 85.20, for rural public transportation
24 purposes under s. 85.23, or for ~~demand management and ride-sharing~~

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1 transportation employment and mobility purposes under s. 85.24 that are not funded
2 from other appropriations under this subsection, for such purposes.

3 **SECTION 636.** 20.395 (1) (gr) of the statutes is created to read:

4 20.395 (1) (gr) *Grants to local professional football stadium districts, state*
5 *funds.* The amounts in the schedule for the purpose of awarding grants under 2001
6 Wisconsin Act (this act), section 9152 (4).

7 **SECTION 637.** 20.395 (1) (gr) of the statutes, as created by 2001 Wisconsin Act
8 (this act), is repealed.

9 **SECTION 638.** 20.395 (1) (jq) of the statutes is created to read:

10 20.395 (1) (jq) *Supplemental mass transit aids for Tiers A-1 and A-2, state*
11 *funds.* As a continuing appropriation, the amounts in the schedule for supplemental
12 mass transit aids under s. 85.20 (4p) (a).

13 **SECTION 639.** 20.395 (1) (jr) of the statutes is created to read:

14 20.395 (1) (jr) *Supplemental mass transit aids for Tier B, state funds.* As a
15 continuing appropriation, the amounts in the schedule for supplemental mass
16 transit aids under s. 85.20 (4p) (b).

17 **SECTION 640.** 20.395 (1) (js) of the statutes is created to read:

18 20.395 (1) (js) *Supplemental mass transit aids for Tier C, state funds.* As a
19 continuing appropriation, the amounts in the schedule for supplemental mass
20 transit aids under s. 85.20 (4p) (c).

21 **SECTION 641.** 20.395 (1) (jt) of the statutes is created to read:

22 20.395 (1) (jt) *Supplemental mass transit aids for shared-ride taxicab systems,*
23 *state funds.* As a continuing appropriation, the amounts in the schedule for
24 supplemental mass transit aids under s. 85.20 (4p) (d).

25 **SECTION 642.** 20.395 (2) (dc) of the statutes is created to read:

SENATE BILL 55**SECTION 642**

1 20.395 (2) (dc) *Aeronautical activities matching supplement, state funds.* From
2 the general fund, a sum sufficient in each fiscal year equal to one-half of the
3 difference between \$11,800,000 and the amounts received under par. (dr) during the
4 preceding fiscal year, or equal to \$650,000, whichever is less, for the purposes of the
5 state's share of airport projects under ss. 114.34 and 114.35; for developing air
6 marking and other air navigational facilities; for administration of the powers and
7 duties of the secretary of transportation under s. 114.31; for costs associated with
8 aeronautical activities under s. 114.31, except for the program under s. 114.31 (3) (b);
9 and for the administration of other aeronautical activities, except aircraft
10 registration under s. 114.20, authorized by law. No moneys may be encumbered from
11 this appropriation for any fiscal year in excess of the amounts encumbered from the
12 appropriation under par. (dt) for that fiscal year. No moneys may be encumbered
13 from this appropriation for any fiscal year if the amounts received under par. (dr)
14 during the previous fiscal year are equal to or greater than \$11,800,000.

15 **SECTION 643.** 20.395 (2) (dq) of the statutes is repealed.

16 **SECTION 644.** 20.395 (2) (dr) of the statutes is created to read:

17 20.395 (2) (dr) *Aeronautical activities, state funds.* All moneys received from
18 taxes on air carrier companies under ch. 76, from aircraft registration fees under s.
19 114.20, from general aviation fuel taxes under subch. III of ch. 78, from sales and use
20 taxes on noncommercial aircraft as determined under s. 77.65, and from any other
21 tax or fee received from an aeronautical activity and deposited in the transportation
22 fund, except moneys appropriated under pars. (dv) and (dx) and sub. (4) (es), and all
23 moneys transferred under 2001 Wisconsin Act (this act), section 9252 (1), for the
24 purposes of the state's share of airport projects under ss. 114.34 and 114.35; for
25 developing air marking and other air navigational facilities; for administration of the

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1 powers and duties of the secretary of transportation under s. 114.31; for costs
2 associated with aeronautical activities under s. 114.31, except for the program under
3 s. 114.31 (3) (b); and for the administration of other aeronautical activities, except
4 aircraft registration under s. 114.20, authorized by law.

5 **SECTION 645.** 20.395 (2) (dt) of the statutes is created to read:

6 20.395 (2) (dt) *Aeronautical activities supplement, state funds.* A sum sufficient
7 in each fiscal year equal to one-half of the difference between \$11,800,000 and the
8 amounts received under par. (dr) during the preceding fiscal year, or equal to
9 \$650,000, whichever is less, for the purposes of the state's share of airport projects
10 under ss. 114.34 and 114.35; for developing air marking and other air navigational
11 facilities; for administration of the powers and duties of the secretary of
12 transportation under s. 114.31; for costs associated with aeronautical activities
13 under s. 114.31, except for the program under s. 114.31 (3) (b); and for the
14 administration of other aeronautical activities, except aircraft registration under s.
15 114.20, authorized by law. No moneys may be encumbered from this appropriation
16 for any fiscal year in excess of the amounts encumbered from the appropriation
17 under par. (dc) for that fiscal year. No moneys may be encumbered from this
18 appropriation for any fiscal year if the amounts received under par. (dr) during the
19 previous fiscal year are equal to or greater than \$11,800,000.

20 **SECTION 646.** 20.395 (2) (eq) of the statutes is repealed.

21 **SECTION 647.** 20.395 (2) (ev) of the statutes is repealed.

22 **SECTION 648.** 20.395 (2) (ex) of the statutes is repealed.

23 **SECTION 649.** 20.395 (2) (fq) of the statutes is created to read:

24 20.395 (2) (fq) *Local transportation facility improvement assistance, state*
25 *funds.* As a continuing appropriation, the amounts in the schedule for providing

SENATE BILL 55**SECTION 649**

1 public access roads to navigable waters, for improving bridges under ss. 84.12, 84.17,
2 and 84.18, for payments to local units of government for jurisdictional transfers
3 under s. 84.16, for the purposes of ss. 84.27 and 84.28, and for improving
4 transportation facilities, including facilities funded under applicable federal acts or
5 programs, that are not state trunk or connecting highways.

6 **SECTION 650.** 20.395 (2) (fv) of the statutes is amended to read:

7 20.395 (2) (fv) *Local transportation facility improvement assistance, local*
8 *funds.* All moneys received from any local unit of government or other source for
9 providing public access roads to navigable waters and, for improving bridges under
10 ss. 84.12, 84.17, and 84.18, for the purposes of ss. 84.27 and 84.28, and for improving
11 transportation facilities, including facilities funded under applicable federal acts or
12 programs, that are not state trunk or connecting highways, for such purposes.

13 **SECTION 651.** 20.395 (2) (fx) of the statutes is amended to read:

14 20.395 (2) (fx) *Local transportation facility improvement assistance, federal*
15 *funds.* All moneys received from the federal government for providing public access
16 roads to navigable waters and, for improving bridges under ss. 84.12, 84.17, and
17 84.18, for the purposes of ss. 84.27 and 84.28, and for improving transportation
18 facilities, including facilities funded under applicable federal acts or programs, that
19 are not state trunk or connecting highways, for such purposes.

20 **SECTION 652.** 20.395 (2) (iq) (title) of the statutes is amended to read:

21 20.395 (2) (iq) (title) *Transportation Tommy G. Thompson transportation*
22 *facilities economic assistance and development program, state funds.*

23 **SECTION 653.** 20.395 (2) (iv) (title) of the statutes is amended to read:

24 20.395 (2) (iv) (title) *Transportation Tommy G. Thompson transportation*
25 *facilities economic assistance and development program, local funds.*

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1 **SECTION 654.** 20.395 (2) (ix) (title) of the statutes is amended to read:

2 20.395 (2) (ix) (title) *Transportation Tommy G. Thompson transportation*
3 *facilities economic assistance and development program, federal funds.*

4 **SECTION 655.** 20.395 (3) (ck) of the statutes is created to read:

5 20.395 (3) (ck) *West Canal Street reconstruction, service funds.* From the
6 general fund, as a continuing appropriation, the amounts in the schedule for the
7 grant under s. 84.03 (3) (c). All moneys transferred from the appropriation account
8 under s. 20.505 (8) (hm) 21. shall be credited to this appropriation account.

9 **SECTION 656.** 20.395 (3) (cr) of the statutes is created to read:

10 20.395 (3) (cr) *Marquette interchange reconstruction, state funds.* As a
11 continuing appropriation, the amounts in the schedule for reconstruction of the
12 Marquette interchange in Milwaukee County.

13 **SECTION 657.** 20.395 (3) (cs) of the statutes is created to read:

14 20.395 (3) (cs) *Marquette interchange reconstruction, service funds.* All moneys
15 received from the fund created under s. 18.57 (1) as reimbursement for the temporary
16 financing under sub. (9) (th) of the project that is financed under s. 84.59 and
17 specified under s. 84.014, for the purpose of financing such project.

18 **SECTION 658.** 20.395 (3) (cw) of the statutes is created to read:

19 20.395 (3) (cw) *Marquette interchange reconstruction, local funds.* All moneys
20 received from any local unit of government or other source for the reconstruction of
21 the Marquette interchange in Milwaukee County, for such purpose.

22 **SECTION 659.** 20.395 (3) (cy) of the statutes is created to read:

23 20.395 (3) (cy) *Marquette interchange reconstruction, federal funds.* All
24 moneys received from the federal government for the Marquette interchange

SENATE BILL 55**SECTION 659**

1 reconstruction project in Milwaukee County and for the grant under s. 84.03 (3) (a),
2 for such purposes.

3 **SECTION 660.** 20.395 (3) (eq) of the statutes is amended to read:

4 20.395 (3) (eq) *Highway maintenance, repair, and traffic operations, state*
5 *funds.* Biennially, amounts in the schedule for the maintenance and repair of
6 roadside improvements under s. 84.04, state trunk highways under s. 84.07, and
7 bridges that are not on the state trunk highway system under s. 84.10; for highway
8 operations such as permit issuance, pavement marking, highway signing, traffic
9 signalization, and highway lighting under ss. 84.04, 84.07, 84.10, and 348.25 to
10 348.27 and ch. 349; ~~for the scenic byway program under s. 84.106;~~ and for the
11 disadvantaged business demonstration and training program under s. 84.076. This
12 paragraph does not apply to special maintenance activities under s. 84.04 on
13 roadside improvements.

14 **SECTION 661.** 20.395 (3) (ev) of the statutes is amended to read:

15 20.395 (3) (ev) *Highway maintenance, repair, and traffic operations, local*
16 *funds.* All moneys received from any local unit of government or other sources for
17 the maintenance and repair of roadside improvements under s. 84.04, state trunk
18 highways under s. 84.07, and bridges that are not on the state trunk highway system
19 under s. 84.10; for signing under s. 86.195; for highway operations such as permit
20 issuance, pavement marking, highway signing, traffic signalization, and highway
21 lighting under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; ~~for the scenic~~
22 ~~byway program under s. 84.106;~~ and for the disadvantaged business demonstration
23 and training program under s. 84.076; for such purposes. This paragraph does not
24 apply to special maintenance activities under s. 84.04 on roadside improvements.

25 **SECTION 662.** 20.395 (3) (ex) of the statutes is amended to read:

SENATE BILL 55**SECTION 662**

1 20.395 (3) (ex) *Highway maintenance, repair, and traffic operations, federal*
2 *funds.* All moneys received from the federal government for the maintenance and
3 repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07,
4 and bridges that are not on the state trunk highway system under s. 84.10; for
5 highway operations such as permit issuance, pavement marking, highway signing,
6 traffic signalization, and highway lighting under ss. 84.04, 84.07, 84.10, and 348.25
7 to 348.27 and ch. 349; ~~for the scenic byway program under s. 84.106;~~ and for the
8 disadvantaged business demonstration and training program under s. 84.076; for
9 such purposes. This paragraph does not apply to special maintenance activities
10 under s. 84.04 on roadside improvements.

11 **SECTION 663.** 20.395 (3) (ix) of the statutes is amended to read:

12 20.395 (3) (ix) *Administration and planning, federal funds.* All moneys
13 received from the federal government for the administration and planning of
14 departmental programs under subs. (1) to (3) ~~and to transfer to the appropriation~~
15 ~~account under s. 20.505 (1) (z) the amounts in the schedule under s. 20.505 (1) (z),~~
16 for such purposes.

17 **SECTION 664.** 20.395 (3) (jh) of the statutes is created to read:

18 20.395 (3) (jh) *Utility facilities within highway rights-of-way, state funds.*
19 From the general fund, all moneys received from telecommunications providers, as
20 defined in s. 196.01 (8p), or cable telecommunications service providers, as defined
21 in s. 196.01 (1r), for activities related to locating, accommodating, operating, or
22 maintaining utility facilities within highway rights-of-way, for such purposes.

23 **SECTION 665.** 20.395 (3) (jj) of the statutes is created to read:

SENATE BILL 55**SECTION 665**

1 20.395 (3) (jj) *Damage claims.* From the general fund, all moneys received as
2 payment for losses of and damage to state property for costs associated with repair
3 or replacement of such property, for such purposes.

4 **SECTION 666.** 20.395 (3) (js) of the statutes is created to read:

5 20.395 (3) (js) *Telecommunications services, service funds.* All moneys received
6 from other state agencies as payment for telecommunications services described in
7 s. 84.01 (31), except moneys received under sub. (5) (dk), for costs associated with the
8 services.

9 **SECTION 667.** 20.395 (4) (aq) of the statutes is amended to read:

10 20.395 (4) (aq) *Departmental management and operations, state funds.* The
11 amounts in the schedule for departmental planning and administrative activities
12 and the administration and management of departmental programs except those
13 programs under subs. (2) (bq), (cq), and (dq) and (3) (iq), including those activities in
14 s. 85.07 and including not less than \$220,000 in each fiscal year to reimburse the
15 department of justice for legal services provided the department under s. 165.25 (4)
16 (a) and including activities related to the ~~demand management and ride-sharing~~
17 transportation employment and mobility program under s. 85.24 that are not funded
18 from the appropriation under sub. (1) (bs), (bv) or (bx), the minority civil engineer
19 scholarship and loan repayment incentive grant program under s. 85.107, and the
20 Type 1 motorcycle, moped, and motor bicycle safety program under s. 85.30 and to
21 match federal funds for mass transit planning.

22 **SECTION 668.** 20.395 (4) (aq) of the statutes, as affected by 2001 Wisconsin Act
23 (this act), is repealed and recreated to read:

24 20.395 (4) (aq) *Departmental management and operations, state funds.* The
25 amounts in the schedule for departmental planning and administrative activities

SENATE BILL 55**SECTION 668**

1 and the administration and management of departmental programs except those
2 programs under subs. (2) (bq), (cq), (dc), (dr), and (dt) and (3) (iq), including those
3 activities in s. 85.07 and including not less than \$220,000 in each fiscal year to
4 reimburse the department of justice for legal services provided the department
5 under s. 165.25 (4) (a) and including activities related to the transportation
6 employment and mobility program under s. 85.24 that are not funded from the
7 appropriation under sub. (1) (bs), (bv), or (bx), the minority civil engineer scholarship
8 and loan repayment incentive grant program under s. 85.107, the Type 1 motorcycle,
9 moped, and motor bicycle safety program under s. 85.30 and to match federal funds
10 for mass transit planning.

11 **SECTION 669.** 20.395 (4) (av) of the statutes is amended to read:

12 20.395 (4) (av) *Departmental management and operations, local funds.* All
13 moneys received from any local unit of government or other source for departmental
14 planning and administrative activities, for the administration and management of
15 departmental programs except those programs under subs. (2) (bv) and (dv) and (3)
16 (iv), and for activities related to the ~~demand management and ride sharing~~
17 transportation employment and mobility program under s. 85.24 that are not funded
18 from the appropriation under sub. (1) (bs), (bv), or (bx), for such purposes.

19 **SECTION 670.** 20.395 (4) (ax) of the statutes is amended to read:

20 20.395 (4) (ax) *Departmental management and operations, federal funds.* All
21 moneys received from the federal government for the administration and
22 management of departmental programs except those programs under subs. (2) (bx)
23 and (dx) and (3) (ix), and for departmental planning and administrative activities
24 including all moneys received as federal aid as authorized by the governor under s.
25 16.54 to promote highway safety and continue the local traffic safety representatives

SENATE BILL 55**SECTION 670**

1 program and for purposes of s. 85.07 and for activities related to the demand
2 ~~management and ride-sharing~~ transportation employment and mobility program
3 under s. 85.24 that are not funded from the appropriation under sub. (1) (bs), (bv),
4 or (bx), and to transfer to the appropriation account under s. 20.505 (1) (z) the
5 amounts in the schedule under s. 20.505 (1) (z) for such purposes.

6 **SECTION 671.** 20.395 (4) (jr) of the statutes is created to read:

7 20.395 (4) (jr) *Marquette interchange reconstruction project revenue obligation*
8 *funding.* As a continuing appropriation, all proceeds from revenue obligations
9 issued under s. 84.59 and deposited into the fund created under s. 18.57 (1), for the
10 Marquette interchange reconstruction project under s. 84.014 for the purposes of ss.
11 84.06 and 84.09, providing for reserves and for expenses of issuance and
12 management of the revenue obligations. Estimated disbursements under this
13 paragraph shall not be included in the schedule under s. 20.005.

14 **SECTION 672.** 20.395 (5) (ek) of the statutes is amended to read:

15 20.395 (5) (ek) *Safe-ride grant program; state funds.* From the general fund,
16 all moneys transferred from the appropriation account under s. 20.435 (6) (hx) for the
17 purpose of awarding grants under s. 85.55. Notwithstanding s. 20.001 (3) (c), the
18 unencumbered balance in this appropriation account on June 30 of each year shall
19 revert to the appropriation account under s. 20.435 (6) (hx).

20 **SECTION 673.** 20.395 (9) (rd) of the statutes is amended to read:

21 20.395 (9) (rd) *Airport construction major cost carry-over.* When an airport
22 development project is approved by the governor under s. 114.33 (3), the moneys
23 allocated for the project from sub. (2) ~~(dq)~~ (dc), (dr), and (dt) shall be considered
24 encumbered and carried-over to subsequent years to meet the state's share of the
25 project.

SENATE BILL 55**SECTION 674**

1 **SECTION 674.** 20.395 (9) (td) of the statutes is amended to read:

2 20.395 (9) (td) *Real estate major cost carry-over.* Subject to s. 86.255, when a
3 highway, airport, or railroad land acquisition project is approved by the secretary
4 under s. 84.09, 85.09, or 114.33, the moneys allocated for the project from subs. (2)
5 (bq), (dq), and ~~(eq)~~ (fq) and (3) (bq), (cq), and (eq) may be considered encumbered.

6 **SECTION 675.** 20.395 (9) (td) of the statutes, as affected by 2001 Wisconsin Act
7 (this act), is repealed and recreated to read:

8 20.395 (9) (td) *Real estate major cost carry-over.* Subject to s. 86.255, when a
9 highway, airport, or railroad land acquisition project is approved by the secretary
10 under s. 84.09, 85.09, or 114.33, the moneys allocated for the project from subs. (2)
11 (bq), (dc), (dr), (dt), and (fq) and (3) (bq), (cq), and (eq) may be considered encumbered.

12 **SECTION 676.** 20.395 (9) (th) of the statutes is amended to read:

13 20.395 (9) (th) *Temporary funding of projects financed by revenue bonds.* A sum
14 sufficient to provide initial, temporary funding for any project to be financed under
15 s. 84.59 which that is a major highway project enumerated under s. 84.013 (3) or, a
16 project under s. 84.01 (28) approved under s. 13.48 (10) or authorized under s. 84.01
17 (30), or the Marquette interchange reconstruction project under s. 84.014. The
18 department shall keep a separate account of expenditures under this paragraph for
19 each such project. As soon as moneys become available from the proceeds of the
20 obligation issued under s. 84.59 to finance that project, an amount equal to the
21 amounts expended under this paragraph shall be paid from those proceeds into the
22 transportation fund and credited to the appropriation account under sub. (3) (br) or
23 (cs) or (4) (at).

24 **SECTION 677.** 20.410 (1) (cm) of the statutes is repealed.

25 **SECTION 678.** 20.410 (1) (f) of the statutes is amended to read:

SENATE BILL 55**SECTION 678**

1 20.410 (1) (f) *Energy costs*. The amounts in the schedule to be used at state
2 correctional institutions to pay for utilities and for fuel, heat and air conditioning;
3 and to pay costs incurred by or on behalf of the department under ss. 16.858 and
4 16.895, ~~and to repay to the energy efficiency fund loans made to the department~~
5 ~~under s. 16.847 (6).~~

6 **SECTION 679.** 20.410 (1) (fm) of the statutes is repealed.

7 **SECTION 680.** 20.410 (1) (gr) of the statutes is amended to read:

8 20.410 (1) (gr) *Home detention services*. The amounts in the schedule to obtain,
9 install, operate, and monitor electronic equipment for the home detention program
10 under s. 302.425. All moneys received under s. 302.425 (3m) or (4) shall be credited
11 to this appropriation. ~~On June 30, 1992, June 30, 1993, and June 30, 1994, one-third~~
12 ~~of the amount expended in fiscal year 1990-91 from the appropriation under par.~~
13 ~~(em) shall lapse to the general fund.~~

14 **SECTION 681.** 20.410 (1) (j) of the statutes is repealed.

15 **SECTION 682.** 20.410 (1) (jz) of the statutes is created to read:

16 20.410 (1) (jz) *Operations and maintenance*. All moneys received by the
17 department from fees paid by employees of the department and by vendors, to
18 provide administrative services.

19 **SECTION 683.** 20.410 (3) (bb) of the statutes is repealed.

20 **SECTION 684.** 20.410 (3) (d) of the statutes is repealed.

21 **SECTION 685.** 20.410 (3) (kj) of the statutes is repealed.

22 **SECTION 686.** 20.410 (3) (kp) of the statutes is repealed.

23 **SECTION 687.** 20.410 (3) (o) of the statutes is repealed.

24 **SECTION 688.** 20.432 (1) (k) of the statutes is amended to read:

SENATE BILL 55**SECTION 688**

1 20.432 (1) (k) *Contracts with other state agencies.* ~~The amounts in the schedule~~
2 ~~for activities of the board on aging and long-term care under s. 16.009. All moneys~~
3 ~~received by the board on aging and long-term care from contracts with other state~~
4 ~~agencies shall be credited to this appropriation, for the purposes for which they are~~
5 ~~received.~~

6 **SECTION 689.** 20.433 (1) (b) of the statutes is repealed.

7 **SECTION 690.** 20.433 (1) (i) of the statutes is amended to read:

8 20.433 (1) (i) *Gifts and grants.* All moneys received as contributions, gifts,
9 grants, and bequests, other than moneys received for the children's trust fund and
10 deposited in the appropriation accounts account under ~~pars. par.~~ (q) and (r), to carry
11 out the purposes for which made and received.

12 **SECTION 691.** 20.433 (1) (q) of the statutes is amended to read:

13 20.433 (1) (q) *Children's trust fund; gifts and grants.* From the children's trust
14 fund, all moneys received as contributions, grants, gifts, and bequests for that trust
15 fund under s. 48.982 (2) (d) or (2e) (a), ~~other than 50% of the~~ moneys received under
16 s. 341.14 (6r) (b) 6., and all interest earned on the moneys received under s. 341.14
17 (6r) (b) 6., ~~less the amounts appropriated under par. (r),~~ to carry out the purposes for
18 which made and received under s. 48.982 (2m) (a).

19 **SECTION 692.** 20.433 (1) (r) of the statutes is repealed.

20 **SECTION 693.** 20.434 (1) (a) of the statutes is amended to read:

21 20.434 (1) (a) *General program operations.* The amounts in the schedule for
22 the general program operations of the adolescent pregnancy prevention and
23 pregnancy services board under s. 46.93 (3) and ~~1995 Wisconsin Act 27, section 9102~~
24 ~~(1z).~~

25 **SECTION 694.** 20.434 (1) (g) of the statutes is created to read:

SENATE BILL 55**SECTION 694**

1 20.434 (1) (g) *Adolescent pregnancy prevention and intervention conference*. All
2 moneys received from gifts, grants, and bequests relating to conferences conducted
3 by the board and all proceeds from those conferences, for payment of the costs of
4 conducting those conferences.

5 **SECTION 695.** 20.434 (1) (kp) of the statutes is amended to read:

6 20.434 (1) (kp) *Interagency and intra-agency programs*. ~~All~~ From all moneys
7 received from other state agencies for the administration of the adolescent
8 pregnancy prevention programs and pregnancy services under s. 46.93, the amounts
9 in the schedule for that purpose.

10 **SECTION 696.** 20.435 (1) (jb) of the statutes is amended to read:

11 20.435 (1) (jb) *Congenital disorders; operations*. From all moneys received
12 under s. 253.13 (2), the amounts in the schedule to be used to administer the program
13 under s. 253.13 and for the costs of consulting with appropriate experts as specified
14 in s. 253.13 (5).

15 **SECTION 697.** 20.435 (2) (bj) of the statutes is amended to read:

16 20.435 (2) (bj) *Conditional Competency examinations and conditional and*
17 *supervised release ~~treatment and~~ services*. Biennially, the amounts in the schedule
18 for competency examinations in a county with a population of 500,000 or more under
19 s. 46.58, and for payment by the department of costs for treatment and services for
20 persons released under s. 980.06 (2) (c), 1997 stats., or s. 971.17 (3) (d) or (4) (e) or
21 980.08 (5), for which the department has contracted with county departments under
22 s. 51.42 (3) (aw) 1. d., with other public agencies, or with private agencies to provide
23 the treatment and services.

24 **SECTION 698.** 20.435 (2) (f) of the statutes is amended to read:

SENATE BILL 55**SECTION 698**

1 20.435 (2) (f) *Energy costs.* The amounts in the schedule to be used at mental
2 health institutes and centers for the developmentally disabled to pay for utilities and
3 for fuel, heat and air conditioning, and to pay costs incurred by or on behalf of the
4 department under ss.16.858 and 16.895, ~~and to repay to the energy efficiency fund~~
5 ~~loans made to the department under s. 16.847 (6).~~

6 **SECTION 699.** 20.435 (2) (g) of the statutes is created to read:

7 20.435 (2) (g) *Alternative services of institutes and centers.* The amounts in the
8 schedule to provide services under ss. 46.043 and 51.06 (1r). All moneys received as
9 payments for services under ss. 46.043 and 51.06 (1r) shall be credited to this
10 appropriation account.

11 **SECTION 700.** 20.435 (2) (gk) of the statutes is amended to read:

12 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
13 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
14 developmentally disabled, to reimburse the cost of providing the services and to
15 remit any credit balances to county departments that occur on and after
16 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
17 46.043, provided by the mental health institutes, to reimburse the cost of providing
18 the services and to remit any credit balances to county departments that occur on and
19 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of
20 state-owned housing at centers for the developmentally disabled and mental health
21 institutes; for repair or replacement of property damaged at the mental health
22 institutes or at centers for the developmentally disabled; and for reimbursing the
23 total cost of using, producing and providing services, products and care. All moneys
24 received as payments from medical assistance on and after August 1, 1978; as
25 payments from all other sources including other payments under s. 46.10 and

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1 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
2 assistance payments, other payments under s. 46.10 and payments under s. 51.42
3 (3) (as) 2. received on and after January 1, 1979; ~~as payments under s. 46.043~~; as
4 payments for the rental of state-owned housing and other institutional facilities at
5 centers for the developmentally disabled and mental health institutes; for the sale
6 of electricity, steam or chilled water; as payments in restitution of property damaged
7 at the mental health institutes or at centers for the developmentally disabled; for the
8 sale of surplus property, including vehicles, at the mental health institutes or at
9 centers for the developmentally disabled; and for other services, products and care
10 shall be credited to this appropriation, except that any payment under s. 46.10
11 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20
12 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)
13 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed
14 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of
15 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health
16 institute or Winnebago mental health institute shall be treated as general purpose
17 revenue — earned, as defined under s. 20.001 (4).

18 **SECTION 701.** 20.435 (3) (db) of the statutes is repealed.

19 **SECTION 702.** 20.435 (3) (j) of the statutes is created to read:

20 20.435 (3) (j) *Statewide automated child welfare information system receipts.*

21 All moneys received from counties under s. 46.45 (2) (a), for the costs of implementing
22 the statewide automated child welfare information system established under s.
23 46.03 (7) (g).

24 **SECTION 703.** 20.435 (3) (jj) of the statutes is amended to read:

SENATE BILL 55**SECTION 703**

1 20.435 (3) (jj) *Searches for birth parents and adoption record information;*
2 *foreign adoptions.* The amounts in the schedule for paying the cost of searches for
3 birth parents under ~~ss. s. 48.432 (4) and 48.433 (6)~~ and for paying the costs of
4 reviewing, certifying, and approving foreign adoption documents under s. 48.838 (2)
5 and (3). All moneys received as fees paid by persons requesting a search under s.
6 48.432 (3) (c) or (4), ~~48.433 (6)~~ or 48.93 (1r) and paid by persons for the review,
7 certification, and approval of foreign adoption documents under s. 48.838 (2) and (3)
8 shall be credited to this appropriation account.

9 **SECTION 704.** 20.435 (3) (kw) of the statutes is amended to read:

10 20.435 (3) (kw) *Interagency and intra-agency aids; Milwaukee child welfare*
11 *services.* The amounts in the schedule for providing services to children and families
12 under s. 48.48 (17). All moneys received from other state agencies and all moneys
13 received by the department from the department for ~~providing services to children~~
14 ~~and families under s. 48.48 (17), for such purposes~~ this purpose shall be credited to
15 this appropriation account.

16 **SECTION 705.** 20.435 (4) (a) of the statutes is amended to read:

17 20.435 (4) (a) *General program operations.* The amounts in the schedule for
18 general program operations, including health care financing regulation,
19 administration, and field services and medical assistance eligibility determinations
20 under s. 49.45 (2) (a) 3.

21 **SECTION 706.** 20.435 (4) (bm) of the statutes is amended to read:

22 20.435 (4) (bm) *Medical assistance administration; contract costs, insurer*
23 *reports, and resource centers.* Biennially, the amounts in the schedule to provide the
24 state share of administrative contract costs for the medical assistance program
25 under ss. 49.45 and 49.665, other than payments to counties under s. 49.33 (8), to

SENATE BILL 55**SECTION 706**

1 reimburse insurers for their costs under s. 49.475, for costs associated with outreach
2 activities, and for services of resource centers under s. 46.283. No state positions may
3 be funded in the department of health and family services from this appropriation,
4 except positions for the performance of duties under a contract in effect before
5 January 1, 1987, related to the administration of the medical assistance program
6 between the subunit of the department primarily responsible for administering the
7 medical assistance program and another subunit of the department. Total
8 administrative funding authorized for the program under s. 49.665 may not exceed
9 10% of the amounts budgeted under pars. (bc) and (p).

10 **SECTION 707.** 20.435 (4) (bn) of the statutes is created to read:

11 20.435 (4) (bn) *Medical assistance administration; payments to counties.*

12 Biennially, the amounts in the schedule for payments to counties under s. 49.33 (8)
13 relating to the administration of the medical assistance program.

14 **SECTION 708.** 20.435 (4) (gm) of the statutes is amended to read:

15 20.435 (4) (gm) *Health services regulation and vital statistics.* The amounts in
16 the schedule for the purposes specified in chs. 69 and 150. All moneys received under
17 ch. 69 and s. 150.13 shall be credited to this appropriation account. From the fees
18 collected under s. 50.135 (2), ~~\$247,000~~ \$310,100 in fiscal year ~~1999-2000~~ 2001-02
19 and ~~\$297,200~~ \$309,300 in fiscal year ~~2000-01~~ 2002-03 shall be credited to this
20 appropriation account.

21 **SECTION 709.** 20.435 (4) (iL) of the statutes is created to read:

22 20.435 (4) (iL) *Medical assistance provider fees.* All moneys received from fees
23 charged under s. 49.45 (2) (b) 9., for performance by the department of audits and
24 investigations under s. 49.45 (3) (g).

25 **SECTION 710.** 20.435 (4) (im) of the statutes is amended to read:

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1 20.435 (4) (im) *Medical assistance; recovery of correct payments.* All moneys
2 received from the recovery of correct medical assistance payments under ss. 49.496
3 and 867.035 and rules promulgated under s. 46.286 (7), for payments to counties and
4 tribal governing bodies under s. 49.496 (4), for payment of claims under s. 867.035
5 (3), for payments to the federal government for its share of medical assistance
6 benefits recovered and, for the state share of medical assistance benefits under
7 subch. IV of ch. 49 as provided specified in ss. 49.496 (5) and 867.035 (4), and for the
8 state share of medical assistance benefits provided under s. 46.284 (5).

9 **SECTION 711.** 20.435 (4) (in) of the statutes is amended to read:

10 20.435 (4) (in) *Community options program; family care; recovery of costs of*
11 *care-recovery administration.* From the moneys received from the recovery of costs
12 of care under ss. 46.27 (7g) and 867.035 and under rules promulgated under s. 46.286
13 (7) for enrollees who are ineligible for medical assistance, the amounts in the
14 schedule for administration of the recovery of costs of the care.

15 **SECTION 712.** 20.435 (4) (jd) of the statutes is created to read:

16 20.435 (4) (jd) *Prescription drug assistance project; enrollment fees.* All moneys
17 received from payment of enrollment fees under s. 49.477 (4) (a), to be used for
18 administration of the program under s. 49.477. This paragraph applies only if s.
19 49.477 (7) (a) applies and if s. 49.477 (7) (b) does not apply.

20 **SECTION 713.** 20.435 (4) (kb) of the statutes is amended to read:

21 20.435 (4) (kb) *Relief block grants to tribal governing bodies.* The amounts in
22 the schedule for relief block grants under s. 49.029 to tribal governing bodies. All
23 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18. shall
24 be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the

SENATE BILL 55**SECTION 713**

1 unencumbered balance on June 30 of each year shall revert to the appropriation
2 account under s. 20.505 (8) (hm).

3 **SECTION 714.** 20.435 (4) (nn) of the statutes is created to read:

4 20.435 (4) (nn) *Federal aid; payments to counties for medical assistance*
5 *administration.* All moneys received from the federal government for the costs of
6 contracting for the administration of the medical assistance program, other than
7 moneys received under par. (pa), for payments to counties under s. 49.33 (8) relating
8 to the administration of the medical assistance program.

9 **SECTION 715.** 20.435 (4) (o) of the statutes is amended to read:

10 20.435 (4) (o) *Federal aid; medical assistance.* All federal moneys received for
11 meeting costs of medical assistance administered under ss. 46.284 (5), 49.45 and
12 49.665, to be used for those purposes and for transfer to the medical assistance trust
13 fund, for those purposes.

14 **SECTION 716.** 20.435 (4) (pa) of the statutes is amended to read:

15 20.435 (4) (pa) *Federal aid; medical assistance contracts administration.* All
16 federal moneys received for the federal share of the cost of contracting for payment
17 and services administration and reporting, other than moneys received under par.
18 (nn), to reimburse insurers for their costs under s. 49.475 and for services of resource
19 centers under s. 46.283.

20 **SECTION 717.** 20.435 (4) (w) of the statutes is created to read:

21 20.435 (4) (w) *Medical assistance trust fund.* From the medical assistance trust
22 fund, all moneys received for meeting costs of medical assistance administered under
23 ss. 46.27, 46.275 (5), 46.278 (6), 46.283 (5), 46.284 (5), 49.45, 49.472 (6), and 49.665
24 and for administrative costs associated with augmenting the amount of federal
25 moneys received under 42 CFR 433.51.

SENATE BILL 55**SECTION 718**

1 **SECTION 718.** 20.435 (5) (am) of the statutes is amended to read:

2 20.435 (5) (am) *Services, reimbursement and payment related to acquired*
3 *human immunodeficiency syndrome virus*. The amounts in the schedule for the
4 purchase of services under s. 252.12 (2) (a) for individuals with respect to acquired
5 *human immunodeficiency syndrome virus* and related infections, including
6 *hepatitis C virus infection*, to subsidize premium payments under ss. 252.16 and
7 252.17, for ~~HIV prevention grants for the prevention of human immunodeficiency~~
8 *virus infection and related infections, including hepatitis C virus infection*, under s.
9 252.12 (2) (c) 2. and 3., and to reimburse or supplement the reimbursement of the cost
10 of AZT, pentamidine and certain other drugs under s. 49.686.

11 **SECTION 719.** 20.435 (5) (cb) of the statutes is amended to read:

12 20.435 (5) (cb) *Women's health services*. The amounts in the schedule for health
13 screening for low-income women under s. 255.075 (1), for the development and
14 provision of media announcements and educational materials under s. 255.075 (2),
15 for conduct of a women's health campaign under 1997 Wisconsin Act 27, section 9123
16 (6) (a) and for women's health projects under 1997 Wisconsin Act 27, section 9123 (6)
17 (b) and (6m).

18 **SECTION 720.** 20.435 (5) (cm) of the statutes is amended to read:

19 20.435 (5) (cm) *Immunization*. A sum sufficient not to exceed in fiscal year
20 ~~1999-2000~~ 2001-02 the difference between \$9,000,000 and the sum of the moneys
21 received from the federal government under the federal vaccines for children
22 program and under section 317 of the Public Health Service Act in fiscal year
23 ~~1999-2000~~ 2001-02 and not to exceed in fiscal year ~~2000-01~~ 2002-03 the difference
24 between \$9,000,000 and the sum of the moneys received from the federal government
25 under the federal vaccines for children program and under section 317 of the Public

SENATE BILL 55**SECTION 720**

1 Health Service Act in fiscal year ~~2000-01~~ 2002-03 for the provision of vaccine to
2 immunize children under s. 252.04 (1).

3 **SECTION 721.** 20.435 (5) (ke) of the statutes is amended to read:

4 20.435 (5) (ke) *Cooperative American Indian health projects.* The amounts in
5 the schedule for grants for cooperative American Indian health projects under s.
6 146.19. All moneys transferred from the appropriation account under s. 20.505 (8)
7 (hm) 18b. shall be credited to this appropriation account. Notwithstanding s. 20.001
8 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
9 appropriation account under s. 20.505 (8) (hm).

10 **SECTION 722.** 20.435 (6) (gg) of the statutes is repealed.

11 **SECTION 723.** 20.435 (6) (hx) of the statutes is amended to read:

12 20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the
13 schedule for services related to drivers. All moneys received by the state treasurer
14 from the driver improvement surcharge on court fines and forfeitures authorized
15 under s. 346.655 and all moneys transferred from the appropriation account under
16 s. 20.395 (5) (di) shall be credited to this appropriation. ~~The secretary of~~
17 ~~administration shall annually transfer to the appropriation account under s. 20.395~~
18 ~~(5) (ek) 3.76% of all moneys credited to this appropriation from the driver~~
19 ~~improvement surcharge.~~ Any unencumbered moneys in this appropriation account
20 may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5)
21 (ci) ~~and~~, (di) and (ek), and 20.455 (5) (h) by the secretary of administration after
22 consultation with the secretaries of health and family services and transportation,
23 the superintendent of public instruction, the attorney general and the president of
24 the University of Wisconsin System.

25 **SECTION 724.** 20.435 (7) (b) of the statutes is amended to read:

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1 20.435 (7) (b) *Community aids*. The amounts in the schedule for human
2 services under s. 46.40, to fund services provided by resource centers under s. 46.283
3 (5), for services under the family care benefit under s. 46.284 (5), for reimbursement
4 to counties having a population of less than 500,000 for the cost of court attached
5 intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for
6 foster care and, treatment foster care, and subsidized guardianship care under s. ss.
7 46.261 and 49.19 (10). Social services disbursements under s. 46.03 (20) (b) may be
8 made from this appropriation. Refunds received relating to payments made under
9 s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under
10 this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001
11 (3) (a) and 20.002 (1), the department of health and family services may transfer
12 funds between fiscal years under this paragraph. The department shall deposit into
13 this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior
14 year audit adjustments including those resulting from audits of services under s.
15 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward
16 under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all
17 funds allocated under s. 46.40 and not spent or encumbered by December 31 of each
18 year shall lapse to the general fund on the succeeding January 1 unless carried
19 forward to the next calendar year by the joint committee on finance.

20 **SECTION 725.** 20.435 (7) (bc) of the statutes is amended to read:

21 20.435 (7) (bc) *Grants for community programs*. The amounts in the schedule
22 for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3)
23 (a) and 20.002 (1), the department may transfer funds between fiscal years under
24 this paragraph. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department
25 of health and family services may credit or deposit into this appropriation funds for

SENATE BILL 55**SECTION 725**

1 the purpose specified in s. 46.48 (13) that the department transfers from the
2 appropriation under par. (bL) that are allocated by the department under that
3 appropriation but unexpended or unencumbered on June 30 of each year. Except for
4 amounts authorized to be carried forward under s. 46.48 and as otherwise provided
5 in this paragraph, all funds allocated but not encumbered by December 31 of each
6 year lapse to the general fund on the next January 1 unless carried forward to the
7 next calendar year by the joint committee on finance. Notwithstanding ss. 20.001
8 (3) (b) (a) and 20.002 (1), ~~there is transferred at the end of the 1999-2000 fiscal year~~
9 the department shall transfer from this appropriation account to the appropriation
10 account for the department of workforce development under s. 20.445 (3) (dz) ~~the~~
11 ~~difference between \$5,000,000 and the amounts that are expendable and~~
12 ~~encumbered under 1999 Wisconsin Act 9, section 9223 (3e) funds allocated by the~~
13 department under s. 46.48 (30) but unexpended on June 30 of each year.

14 **SECTION 726.** 20.435 (7) (bd) of the statutes is amended to read:

15 20.435 (7) (bd) *Community options program; pilot projects; family care benefit.*

16 The amounts in the schedule for preadmission consultations, assessments, case
17 planning, services, administration and risk reserve escrow accounts under s. 46.27,
18 for pilot projects under s. 46.271 (1), to fund services provided by resource centers
19 under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5) and
20 for the payment of premiums under s. 49.472 (5). If the department transfers funds
21 to this appropriation from the appropriation account under sub. (4) (b), the amounts
22 in the schedule for the fiscal year for which the transfer is made are increased by the
23 amount of the transfer for the purposes specified in s. 49.45 (6v). Notwithstanding
24 ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer
25 moneys between fiscal years. Except for moneys authorized for transfer under this

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1 appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation
2 that are allocated under s. 46.27 and are not spent or encumbered by counties or by
3 the department by December 31 of each year shall lapse to the general fund on the
4 succeeding January 1 unless transferred to the next calendar year by the joint
5 committee on finance.

6 **SECTION 727.** 20.435 (7) (im) of the statutes is amended to read:

7 20.435 (7) (im) *Community options program; family care benefit; recovery of*
8 *costs.* From the moneys received from the recovery of costs of care under ss. 46.27
9 (7g) and 867.035 and under rules promulgated under s. 46.286 (7) for enrollees who
10 are ineligible for medical assistance, all moneys not appropriated under sub. (4) (in),
11 for payments to county departments and aging units under s. 46.27 (7g) (d),
12 payments to care management organizations for provision of the family care benefit
13 under s. 46.284 (5), payment of claims under s. 867.035 (3) and payments for
14 long-term community support services funded under s. 46.27 (7) as provided in ss.
15 46.27 (7g) (e) and 867.035 (4m).

16 **SECTION 728.** 20.435 (7) (kg) of the statutes is amended to read:

17 20.435 (7) (kg) *Compulsive gambling awareness campaigns.* The amounts in
18 the schedule for the purpose of awarding grants under s. 46.03 (43). All moneys
19 transferred from s. 20.505 (8) (hm) 1. shall be credited to this appropriation account.
20 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
21 shall revert to the appropriation account under s. 20.505 (8) (hm).

22 **SECTION 729.** 20.435 (7) (kL) of the statutes is amended to read:

23 20.435 (7) (kL) *Indian aids.* The amounts in the schedule to facilitate delivery
24 of social services and mental hygiene services to American Indians under s. 46.70.
25 All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18c.

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1 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
2 unencumbered balance on June 30 of each year shall revert to the appropriation
3 account under s. 20.505 (8) (hm).

4 **SECTION 730.** 20.435 (7) (km) of the statutes is amended to read:

5 20.435 (7) (km) *Indian drug abuse prevention and education.* The amounts in
6 the schedule for the American Indian drug abuse prevention and education program
7 under s. 46.71. All moneys transferred from the appropriation account under s.
8 20.505 (8) (hm) 18d. shall be credited to this appropriation account.
9 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
10 shall revert to the appropriation account under s. 20.505 (8) (hm).

11 **SECTION 731.** 20.435 (7) (kn) of the statutes is amended to read:

12 20.435 (7) (kn) *Elderly nutrition; home-delivered and congregate meals.* The
13 amounts in the schedule for home-delivered and congregate meals under the state
14 supplement to the federal congregate nutrition projects under s. 46.80 (5) (a). All
15 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18dm.
16 shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the
17 unencumbered balance on June 30 of each year shall revert to the appropriation
18 account s. 20.505 (8) (hm).

19 **SECTION 732.** 20.435 (7) (kw) of the statutes is amended to read:

20 20.435 (7) (kw) *Interagency community aids.* The amounts in the schedule for
21 human services under s. 46.40, for reimbursement to counties having a population
22 of less than 500,000 for the cost of court attached intake services under s. 48.06 (4),
23 for shelter care under ss. 48.58 and 938.22, for foster care and, treatment foster care,
24 and subsidized guardianship care under s. ss. 46.261 and 49.19 (10), and for mental
25 health services under s. 51.423 (1). All moneys transferred from the appropriation

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1 account under s. 20.445 (3) (md) for those purposes shall be credited to this
2 appropriation account.

3 **SECTION 733.** 20.445 (1) (cm) of the statutes is repealed.

4 **SECTION 734.** 20.445 (1) (j) of the statutes is created to read:

5 20.445 (1) (j) *Work permit system and fees.* All moneys received from fees
6 collected under s. 103.805 (1), to be used for the expenses of providing an automated
7 work permit system and for other operational expenses of the division of equal rights
8 in the department.

9 **SECTION 735.** 20.445 (1) (jr) of the statutes is repealed.

10 **SECTION 736.** 20.445 (1) (km) of the statutes is repealed.

11 **SECTION 737.** 20.445 (3) (dz) of the statutes is amended to read:

12 20.445 (3) (dz) *Wisconsin works and other public assistance administration and*
13 *benefits.* The amounts in the schedule, less the amounts withheld under s. 49.143
14 (3), for administration and benefit payments under Wisconsin works under ss.
15 49.141 to 49.161, the learnfare program under s. 49.26, the work experience and job
16 search program under s. 49.36, and the food stamp program under s. 49.124; for
17 ~~payment distribution~~ payments to counties under s. 49.33 (8) ~~for county~~
18 ~~administration of public assistance benefits and medical assistance eligibility~~
19 ~~determination~~ and for payments to American Indian tribes for administration of
20 public assistance programs; ~~to provide state aid for county administered public~~
21 ~~assistance programs for which reimbursement is provided under s. 49.33 (9) for~~
22 hospital paternity incentive payments under s. 69.14 (1) (cm); and for funeral
23 expenses under s. 49.30. Payments may be made from this appropriation to counties
24 for fraud investigation and error reduction under s. 49.197 (1m) and (4). Moneys
25 appropriated under this paragraph may be used to match federal funds received

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1 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
2 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.
3 20.001 (3) and 20.002 (1), the department of health and family services shall credit
4 or deposit into this appropriation account funds for the purposes of this
5 appropriation that the department transfers from the appropriation account under
6 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
7 December 31 of each year lapse to the general fund on the next January 1 unless
8 transferred to the next calendar year by the joint committee on finance.

9 **SECTION 738.** 20.445 (3) (ja) of the statutes is amended to read:

10 20.445 (3) (ja) *Child support state operations — fees.* All moneys received from
11 fees charged under s. 49.22 (8), from fees ordered or otherwise owed under s. 767.29
12 (1) (d), from fees collected under s. 767.29 (1) (dm) 1m. ~~and~~, from fees charged and
13 incentive payments and collections retained under s. 49.22 (7m), and from the
14 department of revenue under s. 49.855 that were withheld for unpaid fees ordered
15 or otherwise owed under s. 767.29 (1) (d), for costs associated with receiving and
16 disbursing support and support-related payments, including any contract costs, and
17 for administering the program under s. 49.22 and all other purposes specified in s.
18 49.22.

19 **SECTION 739.** 20.445 (3) (kp) of the statutes is amended to read:

20 20.445 (3) (kp) *Delinquent support ~~and~~, maintenance, and fee payments.* All
21 moneys received from ~~the department of revenue and the department of~~
22 ~~administration~~ under s. 49.855 that were withheld for child support, family support,
23 maintenance, medical expenses, or birth expenses, to be distributed in accordance
24 with state law and federal regulations, and that were withheld for unpaid fees

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1 ordered or otherwise owed under s. 767.29 (1) (d), for costs associated with receiving
2 and disbursing support and support-related payments, including any contract costs.

3 **SECTION 740.** 20.445 (3) (L) of the statutes is amended to read:

4 20.445 (3) (L) *Welfare fraud and error reduction; state operations.* From the
5 moneys received as the state's share of the recovery of overpayments and incorrect
6 payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),
7 and 49.497 (1), the amounts in the schedule for the department's activities to reduce
8 error and fraud in the food stamp, aid to families with dependent children, Wisconsin
9 works program and medical assistance programs under s. 49.197.

10 **SECTION 741.** 20.445 (3) (mc) of the statutes is amended to read:

11 20.445 (3) (mc) *Federal block grant operations.* The As a continuing
12 appropriation, the amounts in the schedule, less the amounts withheld under s.
13 49.143 (3), for the purposes of operating and administering the block grant programs
14 for which the block grant moneys are received and transferring moneys to the
15 appropriation accounts under ss. 20.435 (3) (kx), and (6) (kx) ~~and (8) (kx)~~ and 20.525
16 (1) (kb) and (kf). All block grant moneys received for these purposes from the federal
17 government or any of its agencies for the state administration of federal block grants
18 shall be credited to this appropriation account.

19 **SECTION 742.** 20.445 (3) (mc) of the statutes, as affected by 1999 Wisconsin Act
20 9, section 474ac, is amended to read:

21 20.445 (3) (mc) *Federal block grant operations.* The As a continuing
22 appropriation, the amounts in the schedule, less the amounts withheld under s.
23 49.143 (3), for the purposes of operating and administering the block grant programs
24 for which the block grant moneys are received and transferring moneys to the
25 appropriation accounts under ss. 20.435 (3) (kx), and (6) (kx) ~~and (8) (kx)~~ and 20.525

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1 (1) (kb) and (kf). All block grant moneys received for these purposes from the federal
2 government or any of its agencies for the state administration of federal block grants
3 shall be credited to this appropriation account.

4 **SECTION 743.** 20.445 (3) (md) of the statutes is amended to read:

5 20.445 (3) (md) *Federal block grant aids.* The As a continuing appropriation,
6 the amounts in the schedule, less the amounts withheld under s. 49.143 (3), for aids
7 to individuals or organizations and to be transferred to the appropriation accounts
8 under sub. (7) (kc) and ss. 20.255 (2) (kh) and (kp), 20.433 (1) (k), 20.434 (1) (kp) and
9 (ky), 20.435 (3) (kc), (kd), (km), and (ky), (5) (ky), (7) (kw) and (ky), and (8) (kx), 20.465
10 (4) (k), and 20.835 (2) (kf). All block grant moneys received for these purposes from
11 the federal government or any of its agencies and all moneys recovered under s.
12 49.143 (3) shall be credited to this appropriation account.

13 **SECTION 744.** 20.445 (3) (qm) of the statutes is created to read:

14 20.445 (3) (qm) *Child support state operations and reimbursement for claims*
15 *and expenses; unclaimed payments.* From the support collections trust fund, a sum
16 sufficient equal to the amounts credited under s. 20.912 (1) to the support collections
17 trust fund and the amounts not distributable under par. (r) for administering the
18 program under s. 49.22 and all other purposes specified in s. 49.22 and for
19 reimbursing the state treasurer under s. 177.265.

20 **SECTION 745.** 20.445 (3) (r) of the statutes is amended to read:

21 20.445 (3) (r) *Support receipt and disbursement program; payments.* From the
22 support collections trust fund, except as provided in par. (qm), all moneys received
23 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
24 received under ss. 767.265 and 767.29 for child or family support, maintenance,
25 spousal support, health care expenses, or birth expenses, and all other moneys

SENATE BILL 55**SECTION 745**

1 received under judgments or orders in actions affecting the family, as defined in s.
2 767.02 (1), and all moneys received from the department of revenue under s. 49.855
3 that were withheld for delinquent child support, family support, or maintenance or
4 outstanding court-ordered amounts for past support, medical expenses, or birth
5 expenses, for disbursement to the persons for whom the payments are awarded, for
6 returning seized funds under s. 49.854 (5) (f), and, if assigned under s. 46.261, 48.57
7 (3m) (b) 2. or (3n) (b) 2., 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm), for transfer
8 to the appropriation account under par. (k). Estimated disbursements under this
9 paragraph shall not be included in the schedule under s. 20.005.

10 **SECTION 746.** 20.445 (5) (kg) of the statutes is amended to read:

11 20.445 (5) (kg) *Vocational rehabilitation services for tribes.* The amounts in the
12 schedule for vocational rehabilitation services under ch. 47 for Native American
13 individuals and federally recognized American Indian tribes or bands. All moneys
14 transferred from the appropriation account under s. 20.505 (8) (hm) 18e. shall be
15 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
16 unencumbered balance on June 30 of each year shall revert to the appropriation
17 account under s. 20.505 (8) (hm).

18 **SECTION 747.** 20.445 (5) (na) of the statutes is amended to read:

19 20.445 (5) (na) *Federal program aids.* All federal moneys received for the
20 purchase of goods and services under ch. 47 and for the purchase of vocational
21 rehabilitation programs for individuals or organizations. The department shall, in
22 each state fiscal year, transfer to s. 20.435 (7) (kc) up to \$200,000 \$300,000.

23 **SECTION 748.** 20.445 (6) (title) of the statutes is amended to read:

24 20.445 (6) (title) ~~WISCONSIN CONSERVATION CORPS~~ COMMUNITY SERVICE PROGRAMS.

25 **SECTION 749.** 20.445 (6) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 749**

1 20.445 (6) (b) *General enrollee operations*. Biennially, the amounts in the
2 schedule for general program operations of the Wisconsin conservation corps board
3 and the Wisconsin service corps.

4 **SECTION 750.** 20.445 (6) (bm) of the statutes is repealed.

5 **SECTION 751.** 20.445 (6) (c) of the statutes is renumbered 20.445 (6) (a) and
6 amended to read:

7 20.445 (6) (a) ~~*Administrative support; general*~~ *General program operations*.
8 The amounts in the schedule for general program operations ~~for the Wisconsin~~
9 ~~conservation corps board~~ relating to the community service and volunteerism
10 programs administered by the department.

11 **SECTION 752.** 20.445 (6) (j) of the statutes is amended to read:

12 20.445 (6) (j) *General enrollee operations; sponsor contribution*. All moneys
13 received under agreements entered into under ~~s. ss. 106.21 (7) (c) and 106.215 (8) (i)~~
14 with local units of government and nonprofit organizations, except moneys
15 appropriated under par. (ja), for the payment of the sponsor's share of costs for
16 Wisconsin conservation corps and Wisconsin service corps projects including the
17 payment of any corps enrollee compensation as specified in those agreements. Corps
18 enrollee compensation includes the cost of salaries, benefits, incentive payments,
19 and vouchers.

20 **SECTION 753.** 20.445 (6) (ja) of the statutes is amended to read:

21 20.445 (6) (ja) *Administrative support; sponsor contribution*. All moneys
22 received under agreements entered into under ~~s. ss. 106.21 (7) (c) and 106.215 (8) (i)~~
23 with local units of government and nonprofit organizations, except moneys
24 appropriated under par. (j), for the payment of administrative expenses related to the

SENATE BILL 55**SECTION 753**

1 Wisconsin conservation corps ~~program and the Wisconsin service corps programs~~ as
2 specified in those agreements.

3 **SECTION 754.** 20.445 (6) (jb) of the statutes is amended to read:

4 20.445 (6) (jb) *Gifts and related support.* All moneys received from gifts, grants,
5 and bequests received by the Wisconsin conservation corps board, to be expended for
6 the purpose made.

7 **SECTION 755.** 20.445 (6) (k) of the statutes is amended to read:

8 20.445 (6) (k) *General enrollee operations; service funds.* All moneys received
9 by the department from other state agencies and all moneys received by the
10 department from the department under agreements entered into under s. ss. 106.21
11 (7) (c) and 106.215 (8) (i), except moneys appropriated under par. (kb), for the
12 payment of the sponsor's share of costs for Wisconsin conservation corps and
13 Wisconsin service corps projects including the payment of any corps enrollee
14 compensation as specified in those agreements. Corps enrollee compensation
15 includes the cost of salaries, benefits, incentive payments, and vouchers.

16 **SECTION 756.** 20.445 (6) (kb) of the statutes is amended to read:

17 20.445 (6) (kb) ~~*Administrative support; service funds*~~ *Interagency and*
18 *intra-agency programs.* All moneys received by the department from other state
19 agencies and all moneys received by the department from the department under
20 agreements entered into under s. ~~106.215 (8) (i)~~, except moneys appropriated under
21 par. (k), for the ~~payment of administrative expenses related to the Wisconsin~~
22 ~~conservation corps program as specified in those agreements~~ administration of
23 programs or projects for which received.

24 **SECTION 757.** 20.445 (6) (m) of the statutes is amended to read:

SENATE BILL 55**SECTION 757**

1 20.445 (6) (m) ~~General enrollee operations; federal funds~~ Federal aids. All
2 moneys received from the federal government as authorized under s. 16.54 ~~from for~~
3 federal assistance for Wisconsin conservation corps projects including the payment
4 of any corps enrollee compensation as specified in that assistance and for community
5 service and volunteerism projects administered by the department, all moneys
6 received from the corporation for national and community service under 42 USC
7 12542 (a) and 12571 (a) as authorized under s. 16.54 for national service program
8 grants, and all moneys received under agreements entered into under s. 106.215 (8)
9 (i) with the federal government, except moneys received from these agreements
10 which are appropriated under par. (n), ~~for the payment of the federal government's~~
11 ~~share of costs for Wisconsin conservation corps projects including the payment of any~~
12 ~~corps enrollee compensation as specified in those agreements. Corps enrollee~~
13 ~~compensation includes the cost of salaries, benefits, incentive payments and~~
14 ~~vouchers to be used for the purpose for which received.~~

15 **SECTION 758.** 20.445 (6) (n) of the statutes is amended to read:

16 20.445 (6) (n) ~~Administrative support; federal funds~~ Federal program
17 operations. All moneys received from the federal government as authorized under
18 s. 16.54 for the payment of administrative expenses general program operations
19 related to the Wisconsin conservation corps program or to the community service and
20 volunteerism programs administered by the department, all moneys received from
21 the corporation for national and community service under 42 USC 12542 (a) and
22 12571 (a) as authorized under s. 16.54 for general program operations related to the
23 national and community service program, and all moneys received under
24 agreements entered into under s. 106.215 (8) (i) with the federal government, except
25 moneys received from these agreements which are appropriated under par. (m), ~~for~~

SENATE BILL 55**SECTION 758**

1 the payment of administrative expenses related to the Wisconsin conservation corps
2 program as specified in those agreements to be used for the purpose for which
3 received.

4 **SECTION 759.** 20.445 (6) (w) of the statutes is repealed.

5 **SECTION 760.** 20.445 (7) (ga) of the statutes is created to read:

6 20.445 (7) (ga) *Auxiliary services.* All moneys received from fees collected
7 under s. 106.12 (4), for the delivery of services under s. 106.12 (4).

8 **SECTION 761.** 20.445 (7) (kd) of the statutes is amended to read:

9 20.445 (7) (kd) *Transfer of Indian gaming receipts; work-based learning*
10 *programs.* The amounts in the schedule for work-based learning programs. All
11 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18j.
12 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
13 unencumbered balance on June 30 of each year shall revert to the appropriation
14 account under s. 20.505 (8) (hm).

15 **SECTION 762.** 20.445 (7) (m) of the statutes is created to read:

16 20.445 (7) (m) *Federal funds.* All federal moneys received as authorized under
17 s. 16.54 for the purposes of the programs administered by the governor's work-based
18 learning board, for those purposes.

19 **SECTION 763.** 20.455 (1) (gh) of the statutes is amended to read:

20 20.455 (1) (gh) *Investigation and prosecution.* The amounts in the schedule for
21 the expenses of investigation and prosecution of violations, including attorney fees,
22 under ss. 49.49 (6), ~~100.263~~, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4),
23 295.19 (3) (b), and 299.97. Ten percent of all moneys received under ss. 49.49 (6),
24 ~~100.263~~, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b), and

SENATE BILL 55**SECTION 763**

1 299.97, for the expenses of investigation and prosecution of violations, including
2 attorney fees, shall be credited to this appropriation account.

3 **SECTION 764.** 20.455 (1) (hm) of the statutes is amended to read:

4 20.455 (1) (hm) *Restitution.* The amounts in the schedule for the purpose of
5 providing restitution for victims. All moneys received by the department to provide
6 restitution to victims ~~when ordered by the court as the result of prosecutions under~~
7 ~~s. 49.49 and chs. 100, 133, 281 to 285 and 289 to 299 and under a federal antitrust~~
8 ~~law for the purpose of providing restitution to victims of the violation when ordered~~
9 ~~by the court~~ under a court order or a settlement agreement shall be credited to this
10 appropriation account.

11 **SECTION 765.** 20.455 (2) (i) of the statutes is amended to read:

12 20.455 (2) (i) ~~Penalty assessment surcharge~~ Law enforcement training fund
13 assessment, receipts. The amounts in the schedule for the purposes of s. 165.85 (5)
14 (b) and for crime laboratory equipment. All moneys received from the ~~penalty law~~
15 enforcement training fund assessment surcharge on court fines and forfeitures as
16 allocated to this appropriation account under s. ~~757.05 (2) (a)~~ 165.87 (2) shall be
17 credited to this appropriation account. Moneys may be transferred from this
18 paragraph to pars. (j), (ja), and (jb) by the secretary of administration for
19 expenditures based upon determinations by the department of justice.

20 **SECTION 766.** 20.455 (2) (j) of the statutes is amended to read:

21 20.455 (2) (j) *Law enforcement training fund, local assistance.* The amounts
22 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
23 (b). All moneys transferred from par. (i) for the purpose of this appropriation shall
24 be credited to this appropriation.

25 **SECTION 767.** 20.455 (2) (ja) of the statutes is amended to read:

SENATE BILL 55**SECTION 767**

1 20.455 (2) (ja) *Law enforcement training fund, state operations.* The amounts
2 in the schedule to finance state operations associated with the administration of the
3 law enforcement training fund and to finance training for state law enforcement
4 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) for
5 the purpose of this appropriation shall be credited to this appropriation.

6 **SECTION 768.** 20.455 (2) (jb) of the statutes is amended to read:

7 20.455 (2) (jb) *Crime laboratory equipment and supplies.* The amounts in the
8 schedule for the maintenance, repair, upgrading, and replacement costs of the
9 laboratory equipment, and for supplies used to maintain, repair, upgrade, and
10 replace that equipment, in the state and regional crime laboratories. All moneys
11 transferred from par. (i) for the purpose of this appropriation shall be credited to this
12 appropriation.

13 **SECTION 769.** 20.455 (2) (k) of the statutes is amended to read:

14 20.455 (2) (k) *Interagency and intra-agency assistance; investigations.* All
15 moneys received from the department or any other state agency regarding anti-drug
16 ~~abuse law enforcement assistance and drug investigations and analysis~~ to carry out
17 the purposes for which received.

18 **SECTION 770.** 20.455 (2) (kd) of the statutes is amended to read:

19 20.455 (2) (kd) *Drug law enforcement ~~and~~, crime laboratories, and genetic*
20 *evidence activities.* The amounts in the schedule for activities relating to drug law
21 enforcement, drug law violation prosecution assistance ~~and~~, activities of the state
22 and regional crime laboratories, and for transferring to the appropriation account
23 under s. 20.475 (1) (km) the amounts in the schedule under s. 20.475 (1) (km). All
24 moneys transferred from the appropriation account under par. (Lm) shall be credited
25 to this appropriation account.

SENATE BILL 55**SECTION 771**

1 **SECTION 771.** 20.455 (2) (kt) of the statutes is repealed.

2 **SECTION 772.** 20.455 (2) (ku) of the statutes is repealed.

3 **SECTION 773.** 20.455 (2) (ma) of the statutes is amended to read:

4 20.455 (2) (ma) *Federal aid, drug enforcement.* All moneys received from the
5 federal government under subtitle K of title I of P.L. 99-570 for state programs,
6 except as provided under s. 20.505 (6) (~~pe~~) (m), as authorized by the governor under
7 s. 16.54, for drug law enforcement programs to work with local law enforcement
8 agencies in a coordinated effort and for operating costs of the crime laboratory in the
9 city of Wausau.

10 **SECTION 774.** 20.455 (5) (k) of the statutes is amended to read:

11 20.455 (5) (k) *Interagency and intra-agency assistance; reimbursement to*
12 *counties.* The amounts in the schedule to provide services to state agencies relating
13 to victims and witnesses and to provide reimbursement to counties under s. 950.06
14 (2). All moneys received from the department or any other state agency for services
15 relating to victims and witnesses shall be credited to this appropriation.

16 **SECTION 775.** 20.465 (1) (c) of the statutes is amended to read:

17 20.465 (1) (c) *Public emergencies.* A sum sufficient to defray all expenditures
18 of the Wisconsin national guard, the Wisconsin naval militia, or the Wisconsin state
19 defense force when either is called into state service to meet situations arising from
20 war, riot, natural disaster or great public emergency and in preparation for an
21 anticipated call into state service for these emergencies.

22 **SECTION 776.** 20.465 (1) (f) of the statutes is amended to read:

23 20.465 (1) (f) *Energy costs.* The amounts in the schedule to be used at military
24 buildings under control of the department to pay for utilities and for fuel, heat and
25 air conditioning, and to pay costs incurred by or on behalf of the department under

SENATE BILL 55**SECTION 776**

1 ss. 16.858 and 16.895, ~~and to repay to the energy efficiency fund loans made to the~~
2 ~~department under s. 16.847 (6).~~

3 **SECTION 777.** 20.465 (1) (h) of the statutes is amended to read:

4 20.465 (1) (h) *Intergovernmental services.* The amounts in the schedule to
5 provide services to local units of government for fire, crash and rescue emergencies
6 and to provide assistance under s. 166.30. All moneys received from local units of
7 government for services provided for fire, crash, and rescue emergencies and as
8 reimbursement from other states and territories for any losses, damages, or
9 expenses incurred when units or members of the Wisconsin national guard are
10 activated in state status to provide assistance under s. 166.30 shall be credited to this
11 appropriation.

12 **SECTION 778.** 20.465 (3) (a) of the statutes is amended to read:

13 20.465 (3) (a) *General program operations.* The amounts in the schedule for
14 the general program operations of the division of emergency management ~~including,~~
15 ~~but not limited to, central administrative support services by the department.~~

16 **SECTION 779.** 20.465 (3) (dh) of the statutes is repealed.

17 **SECTION 780.** 20.465 (3) (h) of the statutes is created to read:

18 20.465 (3) (h) *Interstate emergency assistance.* The amounts in the schedule
19 to provide assistance under s. 166.30. All moneys received under s. 166.30 (9) as
20 reimbursement from other states and territories for any losses, damages, or
21 expenses incurred when the division of emergency management provides assistance
22 under s. 166.30 shall be credited to this appropriation.

23 **SECTION 781.** 20.475 (1) (f) of the statutes is amended to read:

24 20.475 (1) (f) *Firearm prosecution costs; ~~firearm-law media campaign.~~* The
25 amounts in the schedule to reimburse Milwaukee County for the cost of clerks under

SENATE BILL 55**SECTION 781**

1 s. 978.13 (1) (d) and the cost of computers under 1999 Wisconsin Act 9, section 9101
2 (3e) and to reimburse the Milwaukee board of fire and police commissioners for the
3 costs of the media campaign under s. 62.50 (23m).

4 **SECTION 782.** 20.475 (1) (i) of the statutes is repealed.

5 **SECTION 783.** 20.475 (1) (km) of the statutes is created to read:

6 20.475 (1) (km) *Deoxyribonucleic acid evidence activities.* The amounts in the
7 schedule for deoxyribonucleic acid evidence activities. All moneys transferred from
8 s. 20.455 (2) (kd) for the purpose of this appropriation shall be credited to this
9 appropriation account.

10 **SECTION 784.** 20.485 (2) (b) of the statutes is repealed.

11 **SECTION 785.** 20.485 (2) (c) of the statutes is amended to read:

12 20.485 (2) (c) *Operation of Wisconsin veterans museum.* From the general fund,
13 the amounts in the schedule for the operation of the Wisconsin veterans museum
14 under s. 45.01 45.014.

15 **SECTION 786.** 20.485 (2) (kg) of the statutes is amended to read:

16 20.485 (2) (kg) *American Indian services coordinator.* The amounts in the
17 schedule for an American Indian services veterans benefits coordinator position. All
18 moneys transferred from the appropriation account under s. 20.505 (8) (hm) 13g.
19 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
20 unencumbered balance on June 30 of each year shall revert to the appropriation
21 account under s. 20.505 (8) (hm).

22 **SECTION 787.** 20.485 (2) (km) of the statutes is amended to read:

23 20.485 (2) (km) *American Indian grants.* The amounts in the schedule for
24 grants to American Indian tribes and bands under s. 45.35 (14) (h). All moneys
25 transferred from the appropriation account under s. 20.505 (8) (hm) 13t. shall be

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1 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
2 unencumbered balance on June 30 of each year shall revert to the appropriation
3 account under s. 20.505 (8) (hm).

4 **SECTION 788.** 20.485 (2) (m) of the statutes is amended to read:

5 20.485 (2) (m) *Federal aid ~~projects; veterans training~~*. All moneys received from
6 the federal government for ~~specific limited term projects~~ the education and training
7 of war orphans to be expended for the purposes specified.

8 **SECTION 789.** 20.485 (2) (s) of the statutes is created to read:

9 20.485 (2) (s) *Transportation grant*. The amounts in the schedule for a grant
10 to the Wisconsin department of the Disabled American Veterans under s. 45.353
11 (3m).

12 **SECTION 790.** 20.485 (2) (vg) of the statutes is amended to read:

13 20.485 (2) (vg) *~~Health care aid grants~~ Grants for eye and dental care*. The
14 amounts in the schedule for ~~the payment of benefits grants~~ to veterans and their
15 dependents under s. 45.351 (~~1j~~) (2m).

16 **SECTION 791.** 20.485 (2) (vj) of the statutes is created to read:

17 20.485 (2) (vj) *Education center grant*. Biennially, the amounts in the schedule
18 for a grant to the Wisconsin Veterans War Memorial/Milwaukee, Inc., under 2001
19 Wisconsin Act (this act), section 9157 (4).

20 **SECTION 792.** 20.485 (2) (vj) of the statutes, as created by 2001 Wisconsin Act
21 (this act), is repealed.

22 **SECTION 793.** 20.485 (2) (wd) of the statutes is amended to read:

23 20.485 (2) (wd) *Operation of Wisconsin veterans museum*. The amounts in the
24 schedule for the operation of the Wisconsin veterans museum under s. 45.01 45.014.

25 **SECTION 794.** 20.485 (3) (rm) of the statutes is amended to read:

SENATE BILL 55**SECTION 794**

1 20.485 (3) (rm) *Other reserves*. As a continuing appropriation from the
2 veterans mortgage loan repayment fund, all moneys deposited and held in the
3 veterans mortgage loan repayment fund to pay costs under s. 45.79 (7) (a) 5, to 8, and
4 10, for the purposes under s. 45.79 (7) (a) 5, to 8, and 10.

5 **SECTION 795.** 20.485 (3) (wd) of the statutes is created to read:

6 20.485 (3) (wd) *Loan-servicing administration*. From the veterans mortgage
7 loan repayment fund, the amounts in the schedule for administrative costs of
8 servicing loans under s. 45.79 (5) (a) 10.

9 **SECTION 796.** 20.485 (3) (wg) of the statutes is created to read:

10 20.485 (3) (wg) *Escrow payments, recoveries, and refunds*. From the veterans
11 mortgage loan repayment fund, all moneys received by the department under s.
12 45.79 (5) (a) 6. to make payments required of the department under s. 45.79 (5) (a)
13 6.

14 **SECTION 797.** 20.485 (3) (wp) of the statutes is created to read:

15 20.485 (3) (wp) *Loan-servicing rights*. Biennially, from the veterans mortgage
16 loan repayment fund, the amounts in the schedule to purchase loan-servicing rights
17 from authorized lenders under s. 45.79 (5) (a) 10.

18 **SECTION 798.** 20.485 (5) (m) of the statutes is repealed.

19 **SECTION 799.** 20.505 (1) (title) of the statutes, as affected by 1997 Wisconsin
20 Act 27, section 666h, is repealed and recreated to read:

21 20.505 (1) (title) SUPERVISION AND MANAGEMENT.

22 **SECTION 800.** 20.505 (1) (cm) (title) of the statutes is amended to read:

23 20.505 (1) (cm) (title) *Comprehensive planning grants; general purpose*
24 *revenue*.

25 **SECTION 801.** 20.505 (1) (dm) of the statutes is created to read:

SENATE BILL 55**SECTION 801**

1 20.505 (1) (dm) *Sale of tobacco settlement payments.* A sum sufficient to pay
2 the costs incurred by the secretary of administration in any sale of the state's right
3 to receive any of the payments under the tobacco settlement agreement under s.
4 16.63 (2) and in organizing and initially capitalizing any corporation or company
5 under s. 16.63 (3).

6 **SECTION 802.** 20.505 (1) (e) of the statutes is repealed.

7 **SECTION 803.** 20.505 (1) (ie) of the statutes, as affected by 1997 Wisconsin Act
8 27, section 666p, is repealed and recreated to read:

9 20.505 (1) (ie) *Land information; proposed incorporations and annexations.*
10 From the moneys received by the department under s. 59.72 (5) (a), all moneys not
11 appropriated under par. (if) for administration of the land information program
12 under ss. 16.967 and 16.966 (3), for the purpose of providing aids to counties for land
13 information projects under s. 16.967 (7) and for reviews of proposed municipal
14 incorporations and annexations.

15 **SECTION 804.** 20.505 (1) (if) of the statutes is created to read:

16 20.505 (1) (if) *Comprehensive planning grants; program revenue.* From the
17 moneys received by the department under s. 59.72 (5) (a), the amounts in the
18 schedule to provide comprehensive planning grants to local governments under s.
19 16.965 (2).

20 **SECTION 805.** 20.505 (1) (ig) of the statutes, as affected by 1997 Wisconsin Act
21 27, section 666q, is repealed.

22 **SECTION 806.** 20.505 (1) (ij) of the statutes, as affected by 1997 Wisconsin Act
23 27, section 666r, is repealed.

24 **SECTION 807.** 20.505 (1) (ik) of the statutes, as affected by 1999 Wisconsin Act
25 9, section 514, is repealed.

SENATE BILL 55**SECTION 808**

1 **SECTION 808.** 20.505 (1) (im) of the statutes is amended to read:

2 20.505 (1) (im) *Services to nonstate governmental units.* The amounts in the
3 schedule to provide services and to repurchase inventory items that are provided
4 primarily to purchasers other than state agencies. All moneys received from the sale
5 of services, ~~other than services provided under par. (is),~~ and inventory items which
6 are provided primarily to purchasers other than state agencies shall be credited to
7 this appropriation account.

8 **SECTION 809.** 20.505 (1) (is) of the statutes is renumbered 20.530 (1) (is) and
9 amended to read:

10 20.530 (1) (is) *Information technology processing services to General program*
11 *operations; services to nonstate entities.* All moneys received from state authorities,
12 units of the federal government, local governmental units and entities in the private
13 sector for provision of computer services, telecommunications services and
14 supercomputer services under s. ~~16.973~~ 22.05 (2) (b) and (c) or 22.09 (2) or under s.
15 44.73 (2) (d), to be used for the purpose of providing those services and for the general
16 program operations of the department.

17 **SECTION 810.** 20.505 (1) (iu) of the statutes is amended to read:

18 20.505 (1) (iu) *Plat and proposed incorporation and annexation review.* All
19 moneys received from service fees for plat review; and from fees imposed under s.
20 16.53 (14) for reviews of proposed municipal incorporations and annexations, to be
21 used for the purposes of providing plat review services under s. 70.27 and ch. 236 and
22 conducting reviews of proposed municipal incorporations and annexations.

23 **SECTION 811.** 20.505 (1) (j) of the statutes is amended to read:

24 20.505 (1) (j) *Gifts ~~and donations, grants, and bequests.~~* All moneys not
25 otherwise appropriated under this section received from gifts, grants, and bequests

SENATE BILL 55**SECTION 811**

1 ~~and devises~~ made to the department, any division, or other body attached to or in the
2 department and to any special or executive committee, to carry out the purposes for
3 which made and received.

4 **SECTION 812.** 20.505 (1) (ja) of the statutes is repealed.

5 **SECTION 813.** 20.505 (1) (ka) of the statutes, as affected by 1999 Wisconsin Act
6 9, section 519, is repealed and recreated to read:

7 20.505 (1) (ka) *Materials and services to state agencies and certain districts.*
8 The amounts in the schedule to provide services primarily to state agencies or local
9 professional baseball park districts created under subch. III of ch. 229, other than
10 services specified in pars. (im) and (kb) to (ku) and subs. (2) (k) and (5) (ka), and to
11 repurchase inventory items sold primarily to state agencies or such districts. All
12 moneys received from the provision of services primarily to state agencies and such
13 districts and from the sale of inventory items primarily to state agencies and such
14 districts, other than moneys received and disbursed under pars. (im) and (kb) to (ku)
15 and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

16 **SECTION 814.** 20.505 (1) (kb) of the statutes is amended to read:

17 20.505 (1) (kb) *Transportation, records, and document services.* The amounts
18 in the schedule to provide state vehicle and aircraft fleet, mail transportation,
19 document sales, and records services ~~and inventory items~~ primarily to state
20 agencies; to transfer the proceeds of document sales to state agencies publishing
21 documents; and to provide for the general program operations of the public records
22 board under s. 16.61. All moneys received from the provision of state vehicle and
23 aircraft fleet, mail transportation, document sales, and records services ~~and sale of~~
24 ~~inventory items~~ primarily to state agencies, from documents sold on behalf of state

SENATE BILL 55**SECTION 814**

1 agencies, and from services provided to state agencies by the public records board
2 shall be credited to this appropriation account.

3 **SECTION 815.** 20.505 (1) (kd) of the statutes is repealed.

4 **SECTION 816.** 20.505 (1) (ke) of the statutes is renumbered 20.530 (1) (ke) and
5 amended to read:

6 20.530 (1) (ke) *Telecommunications and data processing General program*
7 *operations; services to state agencies.* ~~The amounts in the schedule to provide state~~
8 ~~telecommunications services and data processing oversight and management~~
9 ~~services and telecommunications and data processing inventory items primarily to~~
10 ~~state agencies and to provide for the initial costs of establishment and operation of~~
11 ~~the division of information technology services. All moneys received from the~~
12 ~~provision of state information technology processing, mail processing, printing, and~~
13 ~~telecommunications and data processing services and sale of telecommunications~~
14 ~~and data processing inventory items primarily to state agencies under ss. 22.05 and~~
15 ~~22.07 or under s. 44.73 (2) (d), other than moneys received and disbursed under par.~~
16 ~~(kL) and s. 20.225 (1) (kb), and all reimbursements of advances received by the~~
17 ~~division of information technology services shall be credited to this appropriation~~
18 ~~account all moneys received from the provision of information technology~~
19 ~~development and management services to executive branch agencies under s. 22.03,~~
20 ~~and all moneys transferred to this appropriation account from any other~~
21 ~~appropriation account under s. 22.09 (4), to be used for the purpose of providing those~~
22 ~~services and for the general program operations of the department.~~

23 **SECTION 817.** 20.505 (1) (kf) of the statutes is created to read:

24 20.505 (1) (kf) *Procurement services.* All moneys received from state agencies
25 under s. 16.71 (6) for procurement services provided by the department to the

SENATE BILL 55**SECTION 817**

1 agencies and from assessments for procurement savings realized by the agencies
2 receiving those services, for administration of the department's procurement
3 functions under subch. IV of ch. 16.

4 **SECTION 818.** 20.505 (1) (kL) of the statutes is repealed.

5 **SECTION 819.** 20.505 (1) (kp) of the statutes is renumbered 20.530 (1) (kp) and
6 amended to read:

7 20.530 (1) (kp) *Interagency assistance; justice Justice information systems.* The
8 amounts in the schedule for the development and operation of automated justice
9 information systems under s. ~~16.971~~ 22.03 (9). All moneys transferred from the
10 appropriation ~~account~~ accounts under sub. s. 20.505 (6) (~~kt~~) (kp) and (pc) and
11 two-ninths of the moneys received under s. 814.635 (1) shall be credited to this
12 appropriation account.

13 **SECTION 820.** 20.505 (1) (kq) of the statutes is renumbered 20.530 (1) (kq) and
14 amended to read:

15 20.530 (1) (kq) *Justice information systems development, operation and*
16 *maintenance.* The amounts in the schedule for the purpose of developing, operating
17 and maintaining automated justice information systems under s. ~~16.971~~ 22.03 (9).
18 All moneys transferred from the appropriation account under s. 20.505 (6) (j) 12.
19 shall be credited to this appropriation account.

20 **SECTION 821.** 20.505 (1) (kr) of the statutes is repealed.

21 **SECTION 822.** 20.505 (1) (ks) of the statutes, as affected by 1997 Wisconsin Act
22 27, section 672m, is repealed.

23 **SECTION 823.** 20.505 (1) (kt) of the statutes is amended to read:

24 20.505 (1) (kt) *Soil surveys and mapping; ~~state agency support~~ and Wisconsin*
25 *land council.* All moneys received from state agencies to conduct soil surveys and soil

SENATE BILL 55**SECTION 823**

1 mapping activities and to support the functions of the Wisconsin land council, to be
2 used for that purpose.

3 **SECTION 824.** 20.505 (1) (ku) of the statutes is amended to read:

4 20.505 (1) (ku) *Management assistance grants to counties.* The amounts in the
5 schedule for the purpose of providing management assistance grants to counties
6 under s. 16.18. All moneys transferred from the appropriation account under sub.
7 (8) (hm) 18h. shall be credited to this appropriation account. Notwithstanding s.
8 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
9 appropriation account under sub. (8) (hm).

10 **SECTION 825.** 20.505 (1) (ma) of the statutes is repealed.

11 **SECTION 826.** 20.505 (1) (mb) of the statutes is amended to read:

12 20.505 (1) (mb) *Federal energy grants and contracts aid.* All federal moneys
13 received under ~~federal energy grants or contracts~~ from the federal government not
14 otherwise appropriated under this section, as authorized by the governor under s.
15 16.54, to carry out the purposes for which made received.

16 **SECTION 827.** 20.505 (1) (mc) of the statutes is repealed.

17 **SECTION 828.** 20.505 (1) (n) of the statutes is repealed.

18 **SECTION 829.** 20.505 (1) (q) of the statutes is created to read:

19 20.505 (1) (q) *Stray voltage and electrical wiring assistance.* Biennially, from
20 the farm rewiring fund, the amounts in the schedule for awarding grants under s.
21 16.956 (1).

22 **SECTION 830.** 20.505 (1) (s) of the statutes is repealed.

23 **SECTION 831.** 20.505 (1) (z) of the statutes is amended to read:

24 20.505 (1) (z) *Transportation planning grants to local governmental units.*
25 Biennially, from the transportation fund, the amounts in the schedule to provide

SENATE BILL 55**SECTION 831**

1 transportation planning grants to local governmental units under s. 16.9651. All
2 moneys received from the federal government and transferred from the
3 appropriation account under s. 20.395 ~~(3) (ix)~~ (4) (ax) shall be credited to this
4 appropriation account.

5 **SECTION 832.** 20.505 (3) (title) of the statutes is amended to read:

6 20.505 (3) (title) ~~COMMITTEES AND, INTERSTATE BODIES~~ UTILITY PUBLIC BENEFITS
7 AND AIR QUALITY IMPROVEMENT.

8 **SECTION 833.** 20.505 (3) (a) of the statutes is renumbered 20.505 (4) (ba).

9 **SECTION 834.** 20.505 (3) (b) of the statutes is renumbered 20.505 (4) (ea).

10 **SECTION 835.** 20.505 (3) (c) of the statutes is repealed.

11 **SECTION 836.** 20.505 (3) (g) of the statutes is repealed.

12 **SECTION 837.** 20.505 (3) (h) of the statutes is repealed.

13 **SECTION 838.** 20.505 (3) (m) of the statutes is repealed.

14 **SECTION 839.** 20.505 (4) (title) of the statutes is amended to read:

15 20.505 (4) (title) ~~ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS AND~~
16 OTHER BODIES.

17 **SECTION 840.** 20.505 (4) (c) of the statutes is repealed.

18 **SECTION 841.** 20.505 (4) (cw) of the statutes is created to read:

19 20.505 (4) (cw) *Board on education evaluation and accountability.* The
20 amounts in the schedule for general program operations of the board on education
21 evaluation and accountability.

22 **SECTION 842.** 20.505 (4) (e) of the statutes is renumbered 20.292 (1) (cm) and
23 amended to read:

SENATE BILL 55**SECTION 842**

1 20.292 (1) (cm) ~~Technical college capacity~~ Capacity building program. The
2 amounts in the schedule for capacity building program grants to technical college
3 district boards under s. ~~16.004 (14)~~ 38.04 (19).

4 **SECTION 843.** 20.505 (4) (gm) of the statutes is repealed.

5 **SECTION 844.** 20.505 (4) (h) of the statutes is amended to read:

6 20.505 (4) (h) *Program services*. The amounts in the schedule to carry out the
7 responsibilities of divisions, commissions, and boards ~~and commissions~~ attached to
8 the department of administration, other than the board on aging and long-term care,
9 the adolescent pregnancy prevention and pregnancy services board, the board on
10 education evaluation and accountability, and the public records board, and to carry
11 out the responsibilities of special and executive committees. All moneys received
12 from fees which are authorized by law or administrative rule to be collected by any
13 division, board or commission attached to the department, other than the board on
14 aging and long-term care, the adolescent pregnancy prevention and pregnancy
15 services board, and the public records board, and all moneys received from fees that
16 are authorized by law or executive order to be collected by any special or executive
17 committee shall be credited to this appropriation account and used to carry out the
18 purposes for which collected.

19 **SECTION 845.** 20.505 (4) (is) of the statutes is renumbered 20.530 (1) (ir) and
20 amended to read:

21 20.530 (1) (ir) *Relay service*. The amounts in the schedule for a statewide
22 telecommunications relay service ~~and for general program operations~~. All moneys
23 received from the assessments authorized under s. 196.858 shall be credited to this
24 appropriation account.

25 **SECTION 846.** 20.505 (4) (j) of the statutes is repealed.

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1 **SECTION 847.** 20.505 (4) (o) of the statutes is repealed.

2 **SECTION 848.** 20.505 (4) (p) of the statutes is repealed.

3 **SECTION 849.** 20.505 (5) (ka) of the statutes is amended to read:

4 20.505 (5) (ka) *Facility operations and maintenance; police and protection*
5 *functions.* The amounts in the schedule for the purpose of financing the costs of
6 operation of state-owned or operated facilities that are not funded from other
7 appropriations, including custodial and maintenance services; minor projects;
8 utilities, fuel, heat and air conditioning; costs incurred under ss.16.858 and 16.895
9 by or on behalf of the department; ~~repayment to the energy efficiency fund loans~~
10 ~~made to the department under s. 16.847 (6);~~ and supplementing the costs of operation
11 of child care facilities for children of state employees under s. 16.841; and for police
12 and protection functions under s. 16.84 (2) and (3). All moneys received from state
13 agencies for the operation of such facilities, parking rental fees established under s.
14 16.843 (2) (bm) and miscellaneous other sources, all moneys received from
15 assessments under s. 16.895, all moneys received for the performance of gaming
16 protection functions under s. 16.84 (3), and all moneys transferred from the
17 appropriation account under s. 20.865 (2) (e) for this purpose shall be credited to this
18 appropriation account.

19 **SECTION 850.** 20.505 (5) (q) of the statutes is repealed.

20 **SECTION 851.** 20.505 (6) (a) of the statutes is amended to read:

21 20.505 (6) (a) *General program operations; youth diversion.* The amounts in
22 the schedule for general program operations and for youth diversion services under
23 s. 16.964 (8) (a) and (c).

24 **SECTION 852.** 20.505 (6) (j) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 852**

1 20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys
2 received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines
3 and forfeitures and all moneys transferred under 1999 Wisconsin Act 9, sections
4 9201 (2m), (2n) and (2p), 9211 (2g), 9230 (1), (2m) and (3m), 9238 (1h) and 9239 (1h)
5 and (2h), for the purpose of transferring the following amounts to the following
6 appropriation accounts:

7 **SECTION 853.** 20.505 (6) (j) 8. of the statutes is repealed.

8 **SECTION 854.** 20.505 (6) (j) 12. of the statutes is amended to read:

9 20.505 (6) (j) 12. The amount transferred to sub. s. 20.530 (1) (kq) shall be the
10 amount in the schedule under sub. s. 20.530 (1) (kq).

11 **SECTION 855.** 20.505 (6) (j) 14. of the statutes is repealed.

12 **SECTION 856.** 20.505 (6) (k) of the statutes is amended to read:

13 20.505 (6) (k) *Anti-drug Law enforcement program programs —*
14 *administration; youth diversion.* The amounts in the schedule for the purpose of
15 administering federal grants for law enforcement assistance and for youth diversion
16 services under s. 16.964 (8) (a) and (c). All moneys transferred from the
17 appropriation account under par. (j) 13. shall be credited to this appropriation
18 account.

19 **SECTION 857.** 20.505 (6) (km) of the statutes is created to read:

20 20.505 (6) (km) INTERAGENCY AND INTRA-AGENCY PROGRAMS. All moneys received
21 from other state agencies and all moneys received by the department from the
22 department, to carry out the purposes for which received.

23 **SECTION 858.** 20.505 (6) (kp) (title) of the statutes is amended to read:

24 20.505 (6) (kp) (title) *Anti-drug enforcement program, penalty assessment —*
25 *state and local.*

SENATE BILL 55**SECTION 859**

1 **SECTION 859.** 20.505 (6) (kq) of the statutes is amended to read:

2 20.505 **(6)** (kq) *County and tribal law enforcement services assistance*. The
3 amounts in the schedule to provide grants to counties Indian tribes for law
4 enforcement operations under s. 16.964 (6) and to provide grants to counties for law
5 enforcement services under s. 16.964 (7). All moneys transferred from the
6 appropriation account under sub. (8) (hm) 15d. shall be credited to this appropriation
7 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30
8 of each year shall revert to the appropriation account under sub. (8) (hm).

9 **SECTION 860.** 20.505 (6) (ks) of the statutes is repealed.

10 **SECTION 861.** 20.505 (6) (kt) of the statutes is repealed.

11 **SECTION 862.** 20.505 (6) (m) of the statutes is amended to read:

12 20.505 **(6)** (m) *Federal aid, ~~planning and administration~~ justice assistance,*
13 *state operations.* All moneys received from the federal government ~~to be allocated to~~
14 ~~state agencies for planning and administration of programs to improve the~~
15 ~~administration of criminal justice~~ for state agency operations for justice assistance
16 to carry out the purpose for which received.

17 **SECTION 863.** 20.505 (6) (o) of the statutes is repealed.

18 **SECTION 864.** 20.505 (6) (p) of the statutes is amended to read:

19 20.505 **(6)** (p) *Federal aid, ~~criminal justice improvement projects,~~ local*
20 *assistance and aids.* All moneys received from the federal government ~~to be allocated~~
21 ~~to local governments for project grants to improve the administration of criminal~~
22 ~~justice.~~

23 **SECTION 865.** 20.505 (6) (pa) of the statutes is repealed.

24 **SECTION 866.** 20.505 (6) (pb) of the statutes is repealed.

25 **SECTION 867.** 20.505 (6) (pc) of the statutes is repealed.

SENATE BILL 55**SECTION 868**

1 **SECTION 868.** 20.505 (7) (b) of the statutes is amended to read:

2 20.505 (7) (b) *Housing grants and loans.* Biennially, the amounts in the
3 schedule for grants and loans under s. 16.33 and for grants under s. 16.336.

4 **SECTION 869.** 20.505 (7) (d) of the statutes is repealed.

5 **SECTION 870.** 20.505 (7) (dm) of the statutes is repealed.

6 **SECTION 871.** 20.505 (7) (fm) of the statutes is amended to read:

7 20.505 (7) (fm) *Shelter for homeless and transitional housing grants.* The
8 amounts in the schedule for transitional housing grants under s. 16.339 and for
9 grants to agencies and shelter facilities for homeless individuals and families as
10 provided under s. 16.352. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
11 department may transfer funds between fiscal years under this paragraph. All funds
12 allocated but not encumbered by December 31 of each year lapse to the general fund
13 on the next January 1 unless transferred to the next calendar year by the joint
14 committee on finance.

15 **SECTION 872.** 20.505 (7) (g) of the statutes is repealed.

16 **SECTION 873.** 20.505 (7) (gm) of the statutes is repealed.

17 **SECTION 874.** 20.505 (7) (h) of the statutes is amended to read:

18 20.505 (7) (h) ~~*Interest on real estate trust accounts*~~ *Funding for the homeless.*
19 All moneys received from interest on real estate trust accounts under s. 452.13 for
20 grants under s. 16.351, and all moneys received under s. 704.05 (5) (a) 2., for grants
21 to agencies and shelter facilities for homeless individuals and families under s.
22 16.352 (2) (a) and (b).

23 **SECTION 875.** 20.505 (7) (k) of the statutes is repealed.

24 **SECTION 876.** 20.505 (7) (kg) of the statutes is amended to read:

SENATE BILL 55**SECTION 876**

1 20.505 (7) (kg) *Housing program materials and services and weatherization*
2 *assistance*. All moneys received from the department or other state agencies from
3 the sale of materials or services related to housing assistance, for the purpose of
4 providing those materials or services; all moneys received from the department or
5 other state agencies for housing program services or the weatherization program
6 under s. 16.39, for that purpose the purposes for which received; and all moneys
7 transferred from the appropriation account under par. (o), for the weatherization
8 program under s. 16.39.

9 **SECTION 877.** 20.505 (7) (km) of the statutes is repealed.

10 **SECTION 878.** 20.505 (7) (n) of the statutes is repealed.

11 **SECTION 879.** 20.505 (7) (o) of the statutes is amended to read:

12 20.505 (7) (o) *Federal aid; ~~individuals and organizations~~ local assistance and*
13 *aids*. All moneys received from the federal government ~~for aids to individuals and~~
14 ~~organizations~~ related to housing assistance ~~under subch. II of ch. 16, as authorized~~
15 ~~by the governor under s. 16.54, for the purpose of providing~~ local assistance and aids
16 to individuals and organizations.

17 **SECTION 880.** 20.505 (8) (hm) (intro.) of the statutes is amended to read:

18 20.505 (8) (hm) *Indian gaming receipts*. (intro.) All moneys received as Indian
19 gaming receipts, as defined in s. 569.01 (1m), and all moneys that revert to this
20 appropriation account from the appropriation accounts specified in subds. 1. to 19.,
21 less the amounts appropriated under par. (h) and s. 20.455 (2) (gc), for the purpose
22 of annually transferring the following amounts:

23 **SECTION 881.** 20.505 (8) (hm) 4h. of the statutes is amended to read:

24 20.505 (8) (hm) 4h. The amount transferred to s. 20.245 (2) (1) (km) shall be
25 the amount in the schedule under s. 20.245 (2) (1) (km).

SENATE BILL 55**SECTION 882**

1 **SECTION 882.** 20.505 (8) (hm) 6m. of the statutes is repealed.

2 **SECTION 883.** 20.505 (8) (hm) 6n. of the statutes is created to read:

3 20.505 (8) (hm) 6n. The amount transferred to s. 20.143 (1) (kn) shall be the
4 amount in the schedule under s. 20.143 (1) (kn).

5 **SECTION 884.** 20.505 (8) (hm) 6o. of the statutes is created to read:

6 20.505 (8) (hm) 6o. The amount transferred to s. 20.143 (1) (ko) shall be the
7 amount in the schedule under s. 20.143 (1) (ko).

8 **SECTION 885.** 20.505 (8) (hm) 6p. of the statutes is created to read:

9 20.505 (8) (hm) 6p. The amount transferred to s. 20.143 (1) (kp) shall be the
10 amount in the schedule under s. 20.143 (1) (kp).

11 **SECTION 886.** 20.505 (8) (hm) 8h. of the statutes is created to read:

12 20.505 (8) (hm) 8h. The amount transferred to s. 20.370 (1) (ik) shall be the
13 amount in the schedule under s. 20.370 (1) (ik).

14 **SECTION 887.** 20.505 (8) (hm) 8m. of the statutes is created to read:

15 20.505 (8) (hm) 8m. The amount transferred to s. 20.370 (5) (ek) shall be the
16 amount in the schedule under s. 20.370 (5) (ek).

17 **SECTION 888.** 20.505 (8) (hm) 15. of the statutes is repealed.

18 **SECTION 889.** 20.505 (8) (hm) 15g. of the statutes is repealed.

19 **SECTION 890.** 20.505 (8) (hm) 15h. of the statutes is repealed.

20 **SECTION 891.** 20.505 (8) (hm) 17m. of the statutes is created to read:

21 20.505 (8) (hm) 17m. The amount transferred to s. 20.115 (4) (k) shall be the
22 amount in the schedule under s. 20.115 (4) (k).

23 **SECTION 892.** 20.505 (8) (hm) 20. of the statutes is created to read:

24 20.505 (8) (hm) 20. The amount transferred to the environmental fund shall
25 be \$500,000 in fiscal year 2001-02 and \$2,500,000 in fiscal year 2002-03.

SENATE BILL 55**SECTION 893**

1 **SECTION 893.** 20.505 (8) (hm) 21. of the statutes is created to read:

2 20.505 (8) (hm) 21. The amount transferred to s. 20.395 (3) (ck) shall be the
3 amount in the schedule under s. 20.395 (3) (ck).

4 **SECTION 894.** 20.505 (8) (hm) 21. of the statutes, as created by 2001 Wisconsin
5 Act (this act), is repealed.

6 **SECTION 895.** 20.505 (9) (title) of the statutes is created to read:

7 20.505 (9) (title) BROADCASTING.

8 **SECTION 896.** 20.505 (9) (a) of the statutes is created to read:

9 20.505 (9) (a) *Emergency weather warning system operation.* The amounts in
10 the schedule to make payments under a contract for the operation of the emergency
11 weather warning system under s. 16.251 (2).

12 **SECTION 897.** 20.505 (9) (b) of the statutes is created to read:

13 20.505 (9) (b) *Former educational communications board principal repayment*
14 *and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
15 principal and interest costs that are not paid under par. (h) and that are incurred in
16 financing the acquisition, construction, development, enlargement, or improvement
17 of facilities approved by the building commission for operation by the educational
18 communications board and to make the payments determined by the building
19 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
20 obligations incurred in financing this acquisition, construction, development,
21 enlargement or improvement. No moneys may be encumbered under this paragraph
22 unless the secretary of administration first determines that the federal
23 communications commission has approved the transfer of all broadcasting licenses
24 held by the educational communications board to the broadcasting corporation as
25 defined in s. 39.81 (2).

SENATE BILL 55**SECTION 898**

1 **SECTION 898.** 20.505 (9) (g) of the statutes is created to read:

2 20.505 (9) (g) *Contract services to broadcasting corporation.* All moneys
3 received from the corporation described under s. 39.82 (1) for services provided under
4 a contract entered into under s. 39.86 (5).

5 **SECTION 899.** 20.505 (9) (h) of the statutes is created to read:

6 20.505 (9) (h) *Lease payments for educational broadcasting facilities.* All lease
7 payments for state-owned educational broadcasting facilities and equipment
8 received from the corporation described under s. 39.82 (1) for the purpose of
9 reimbursing s. 20.866 (1) (u) for the payment of principal and interest costs incurred
10 in financing the acquisition, construction, development, enlargement, or
11 improvement of facilities approved by the building commission for operation by the
12 educational communications board.

13 **SECTION 900.** 20.505 (9) (k) of the statutes is created to read:

14 20.505 (9) (k) *Public broadcasting corporation grant.* All moneys received from
15 the educational communications board under s. 39.86 (3) (c) to be paid as a grant to
16 the broadcasting corporation, as defined in s. 39.81 (2), if the secretary of
17 administration determines under s. 39.87 that the federal communications
18 commission has approved the transfer of all broadcasting licenses held by the
19 educational communications board to the corporation.

20 **SECTION 901.** 20.505 (10) (title) of the statutes is repealed.

21 **SECTION 902.** 20.505 (10) (q) of the statutes is renumbered 20.505 (3) (q) and
22 amended to read:

23 20.505 (3) (q) *General program operations; utility public benefits.* From the
24 utility public benefits fund, the amounts in the schedule for general program
25 operations under s. 16.957.

SENATE BILL 55**SECTION 903**

1 **SECTION 903.** 20.505 (10) (r) and (s) of the statutes are renumbered 20.505 (3)
2 (r) and (s).

3 **SECTION 904.** 20.505 (11) (title) of the statutes is repealed.

4 **SECTION 905.** 20.505 (11) (r) of the statutes is renumbered 20.505 (3) (rr).

5 **SECTION 906.** 20.510 (1) (b) of the statutes is created to read:

6 20.510 (1) (b) *Unpaid municipal election expenses.* A sum sufficient equal to
7 the total amount of unpaid reimbursements owing to the board under ss. 6.50 (2s)
8 and 7.08 (7) that are deducted from payments made to municipalities under s. 79.02,
9 as determined on August 1 and December 1 of each year by the department of
10 administration, to be used for the purpose of financing the expenses incurred by the
11 board under ss. 6.50 (2s) and 7.08 (7).

12 **SECTION 907.** 20.510 (1) (d) of the statutes is created to read:

13 20.510 (1) (d) *Grants to counties and municipalities.* The amounts in the
14 schedule to provide grants to counties and municipalities under s. 5.05 (10) for
15 maintenance of the elector registration list under s. 6.33 (5).

16 **SECTION 908.** 20.510 (1) (gm) of the statutes is created to read:

17 20.510 (1) (gm) *Municipal election expenses.* All moneys received from
18 municipalities for costs incurred by the board under ss. 6.50 (2s) and 7.08 (7), to be
19 used for the purpose of financing the expenses incurred by the board under those
20 provisions.

21 **SECTION 909.** 20.510 (1) (h) of the statutes is amended to read:

22 20.510 (1) (h) *Materials and services.* The amounts in the schedule for the cost
23 of publishing documents, locating and copying records and conducting
24 administrative meetings and, conferences, and training sessions, and for supplies,
25 postage and shipping. All moneys received by the board from collections for sales of

SENATE BILL 55**SECTION 909**

1 publications, copies of records and supplies, for postage, for shipping and records
2 location fees and for charges assessed to participants in administrative meetings
3 ~~and, conferences, and training sessions~~ shall be credited to this appropriation
4 account.

5 **SECTION 910.** 20.512 (1) (i) of the statutes is amended to read:

6 20.512 (1) (i) *Services to nonstate governmental units.* The amounts in the
7 schedule for the purpose of funding personnel services to nonstate governmental
8 units under s. 230.05 (8), including services provided under ~~ss. 49.33 (5) and s. 59.26~~
9 (8) (a). All moneys received from the sale of these services shall be credited to this
10 appropriation.

11 **SECTION 911.** 20.525 (1) (fr) of the statutes is created to read:

12 20.525 (1) (fr) *Children's cabinet board; grants.* The amounts in the schedule
13 for grants to local consortia under s. 14.25 (3) (a).

14 **SECTION 912.** 20.525 (1) (kb) of the statutes is amended to read:

15 20.525 (1) (kb) *Assistance from department of workforce development.* All
16 moneys received from the department of workforce development pursuant to any
17 arrangement under s. 14.18 to assist the governor in providing temporary assistance
18 for needy families under 42 USC 601 et. seq.

19 **SECTION 913.** 20.525 (1) (kd) of the statutes is created to read:

20 20.525 (1) (kd) *Children's cabinet board; general program operations.* All
21 moneys received under s. 14.25 (2) (c), for general program operations of the
22 children's cabinet board.

23 **SECTION 914.** 20.530 of the statutes is created to read:

24 **20.530 Electronic government, department of.** There is appropriated to
25 the department of electronic government for the following program:

SENATE BILL 55**SECTION 914**

1 **(1)** INFORMATION TECHNOLOGY MANAGEMENT AND SERVICES. (g) *Gifts, grants, and*
2 *bequests.* All moneys received from gifts, grants, and bequests, to be used to carry
3 out the purposes for which made and received.

4 (it) *Electronic communication services; nonstate entities.* All moneys received
5 from state authorities, units of the federal government, local governmental units,
6 and entities in the private sector for electronic communications services provided to
7 those entities by the department under s. 22.09 (3), to be used for the purpose of
8 providing those services.

9 (kf) *Electronic communications services; state agencies.* All moneys received
10 from state agencies for electronic communications services provided to the agencies
11 by the department under s. 22.09 (3), and all moneys transferred to this
12 appropriation account from any other appropriation account under s. 22.09 (4), to be
13 used for the purpose of providing those services.

14 (m) *Federal aid.* All moneys received from the federal government, as
15 authorized by the governor under s. 16.54, to be used for the purposes for which
16 received.

17 **SECTION 915.** 20.550 (1) (a) of the statutes is amended to read:

18 20.550 **(1)** (a) *Program administration.* The amounts in the schedule for
19 program administration costs of the office of the state public defender, ~~including the~~
20 ~~costs of interpreters and of discovery materials and~~ excluding the costs under pars.
21 (e) and (fb).

22 **SECTION 916.** 20.550 (1) (f) of the statutes is amended to read:

23 20.550 **(1)** (f) ~~*Transcript and record payments*~~ *Transcripts, discovery, and*
24 *interpreters.* The amounts in the schedule for the costs of interpreters and discovery
25 materials and for the compensation of court reporters or clerks of circuit court for

SENATE BILL 55**SECTION 916**

1 preliminary examination, trial and appeal transcripts, and the payment of related
2 costs under s. 967.06.

3 **SECTION 917.** 20.566 (1) (gg) of the statutes is amended to read:

4 20.566 (1) (gg) *Administration of local taxes.* The amounts in the schedule for
5 administering the taxes under s. ~~66.75~~ 66.0615 (1m) (a) and (b) and subchs. VIII and
6 IX of ch. 77. An amount equal to 2.55% of all moneys received from the taxes imposed
7 under s. ~~66.75~~ 66.0615 (1m) (a) and (b) and subchs. VIII and IX of ch. 77 shall be
8 credited to this appropriation. Notwithstanding s. 20.001 (3) (a), at the end of each
9 fiscal year the unencumbered balance in this appropriation account that exceeds
10 10% of the expenditures from this appropriation during the fiscal year shall be
11 transferred to the appropriation account under s. 20.835 (4) (gg).

12 **SECTION 918.** 20.566 (3) (c) of the statutes is amended to read:

13 20.566 (3) (c) *Expert professional services.* ~~The~~ Biennially, the amounts in the
14 schedule to pay the expenses associated with the employment of accountants,
15 appraisers, counsel and other special assistants to aid in tax determination, property
16 valuation, assessment of property, and other functions related to the administration
17 of state taxes, oversight of local property tax administration, and administration of
18 property tax relief programs.

19 **SECTION 919.** 20.566 (3) (g) of the statutes is amended to read:

20 20.566 (3) (g) *Services.* The amounts in the schedule to provide services, except
21 as provided in sub. (2) (h). All moneys received from services rendered by the
22 department, except as provided in sub. (2) (h), shall be credited to the appropriation.
23 Insofar as practicable all such services shall be billed at cost. ~~The unencumbered~~
24 ~~balance of this appropriation on June 30 of any year shall lapse to the general fund.~~

25 **SECTION 920.** 20.566 (3) (k) of the statutes is amended to read:

SENATE BILL 55**SECTION 920**

1 20.566 (3) (k) *Internal services*. The amounts in the schedule to provide
2 internal services to departmental program revenue and segregated revenue funded
3 programs. All moneys received by the department from the department for this
4 purpose shall be credited to this appropriation account.

5 **SECTION 921.** 20.585 (2) (am) of the statutes is amended to read:

6 20.585 (2) (am) *Administrative expenses for college savings program; general*
7 *fund*. The amounts in the schedule for the initial administrative expenses of the
8 college savings program under s. 14.64, including the expense of promoting the
9 program.

10 **SECTION 922.** 20.585 (2) (q) of the statutes is amended to read:

11 20.585 (2) (q) *Payment of tuition*. From the tuition trust fund, a sum sufficient
12 for the payment of tuition under s. 14.63 (5) and (7).

13 **SECTION 923.** 20.585 (2) (qr) of the statutes is created to read:

14 20.585 (2) (qr) *College savings program; investments*. From the tuition trust
15 fund, all moneys received as contributions under s. 14.64 for investment by the
16 vendor under s. 16.255 (2).

17 **SECTION 924.** 20.585 (2) (r) of the statutes is repealed.

18 **SECTION 925.** 20.585 (2) (s) of the statutes is amended to read:

19 20.585 (2) (s) *Administrative expenses; tuition trust fund*. From the tuition
20 trust fund, the amounts in the schedule for the administrative expenses of the college
21 tuition and expenses program under s. 14.63 and for the ongoing, administrative
22 expenses of the college savings program under s. 14.64, including the expense of
23 promoting the program programs.

24 **SECTION 926.** 20.585 (2) (t) of the statutes is created to read:

SENATE BILL 55**SECTION 926**

1 20.585 (2) (t) *College savings program; payment of tuition and refunds.* From
2 the tuition trust fund, a sum sufficient for the payment of eligible higher education
3 expenses and refunds under s. 14.64 (2) and (3).

4 **SECTION 927.** 20.680 (2) (ga) of the statutes is created to read:

5 20.680 (2) (ga) *Court commissioner training.* All moneys received from fees for
6 court commissioner training programs, for those purposes.

7 **SECTION 928.** 20.680 (2) (kd) of the statutes is repealed.

8 **SECTION 929.** 20.835 (1) (d) of the statutes is amended to read:

9 20.835 (1) (d) *Shared County shared revenue account.* A sum sufficient to meet
10 the requirements of the county shared revenue account established under s. 79.01
11 (2) to provide for the distributions from the shared revenue account to counties,
12 ~~towns, villages and cities~~ under ss. 79.03, 79.04_x and 79.06.

13 **SECTION 930.** 20.835 (1) (db) of the statutes is created to read:

14 20.835 (1) (db) *Municipal services aid account.* A sum sufficient to make the
15 payments to municipalities under ss. 79.04 and 79.065 (2) and to make the payments
16 to municipalities under s. 79.065 (5) that are not paid from s. 20.835 (1) (dd).

17 **SECTION 931.** 20.835 (1) (dd) of the statutes is created to read:

18 20.835 (1) (dd) *Municipal growth sharing account.* A sum sufficient in the
19 amount determined under s. 79.01 (5) to make the payments to municipalities under
20 s. 79.065 (3) and to make the payments to municipalities under s. 79.065 (5) that are
21 not paid from s. 20.835 (1) (db).

22 **SECTION 932.** 20.835 (2) (bm) of the statutes is created to read:

23 20.835 (2) (bm) *Payments of interest on overassessments of manufacturing*
24 *property.* A sum sufficient to make the payments under s. 70.511 (2) (br).

25 **SECTION 933.** 20.835 (3) (q) of the statutes is amended to read:

SENATE BILL 55

1 20.835 (3) (q) *Lottery and gaming credit.* From the lottery fund, a sum
2 sufficient to make the payments under s. 79.10 (5) and (6m) (c).

3 **SECTION 934.** 20.835 (4) (gg) of the statutes is amended to read:

4 20.835 (4) (gg) *Local taxes.* All moneys received from the taxes imposed under
5 s. 66.0615 (1m) (a) and (b) and subchs. VIII and IX of ch. 77, and from the
6 appropriation account under s. 20.566 (1) (gg), for distribution to the districts under
7 subch. II of ch. 229 that impose those taxes, except that 2.55% of those the moneys
8 received from the taxes imposed under s. 66.0615 (1m) (a) and (b) and subchs. VIII
9 and IX of ch. 77 shall be credited to the appropriation account under s. 20.566 (1) (gg).

10 **SECTION 935.** 20.855 (1) (dm) of the statutes is created to read:

11 20.855 (1) (dm) *Interest reimbursements to federal government.* A sum
12 sufficient to pay any interest reimbursement to the federal government relating to
13 the timing of transfers of federal grant funds for programs that are funded with
14 moneys from the general fund and that are covered in an agreement between the
15 federal department of the treasury and the state under the federal Cash
16 Management Improvement Act of 1990, as amended.

17 **SECTION 936.** 20.855 (3) (a) of the statutes is repealed.

18 **SECTION 937.** 20.855 (4) (f) of the statutes is repealed.

19 **SECTION 938.** 20.855 (4) (rc) of the statutes is created to read:

20 20.855 (4) (rc) *Transfer to general fund.* From the permanent endowment fund,
21 the amounts in the schedule to be transferred to the general fund.

22 **SECTION 939.** 20.855 (4) (rc) of the statutes, as created by 2001 Wisconsin Act
23 (this act), is repealed.

24 **SECTION 940.** 20.855 (4) (rh) of the statutes is created to read:

SENATE BILL 55**SECTION 940**

1 20.855 (4) (rh) *Annual transfer from permanent endowment fund to general*
2 *fund.* From the permanent endowment fund, to be transferred to the general fund,
3 a sum sufficient equal to the amount that is required to be transferred to the general
4 fund under s. 16.519 (2).

5 **SECTION 941.** 20.855 (4) (rp) of the statutes is created to read:

6 20.855 (4) (rp) *Transfer to general fund; 2001-02 fiscal year.* From the
7 permanent endowment fund, the amounts in the schedule to be transferred to the
8 general fund no later than June 30, 2002, except that the amounts in the schedule
9 shall be reduced by any payments under the Attorneys General Master Tobacco
10 Settlement Agreement of November 23, 1998, that is received by the state in fiscal
11 year 2001-02.

12 **SECTION 942.** 20.855 (4) (rp) of the statutes, as created by 2001 Wisconsin Act
13 (this act), is repealed.

14 **SECTION 943.** 20.855 (4) (rv) of the statutes is created to read:

15 20.855 (4) (rv) *Transfer to general fund; 2002-03 fiscal year.* From the
16 permanent endowment fund, the amounts in the schedule to be transferred to the
17 general fund no later than June 30, 2003, except that the amounts in the schedule
18 shall be reduced by any payments under the Attorneys General Master Tobacco
19 Settlement Agreement of November 23, 1998, that is received by the state in fiscal
20 year 2002-03.

21 **SECTION 944.** 20.855 (4) (rv) of the statutes, as created by 2001 Wisconsin Act
22 (this act), is repealed.

23 **SECTION 945.** 20.865 (1) (a) of the statutes is amended to read:

24 20.865 (1) (a) *Judgments, worker's compensation, indemnification, and legal*
25 *expenses.* A sum sufficient to pay for legal expenses under s. 59.32 (3), for costs under

SENATE BILL 55**SECTION 945**

1 ss. 227.485 and 814.245, and for the costs of judgments, orders, and settlements of
2 actions, appeals, and complaints under subch. II of ch. 111 or subch. II or III of ch.
3 230, and those judgments, awards, orders, worker's compensation benefits,
4 indemnification, and settlements under ss. 21.13, 165.25 (6), 166.03 (8) (f), 775.04,
5 and 895.46 that are not otherwise reimbursable as liability costs under par. (fm).
6 Release of moneys under this paragraph pursuant to any settlement agreement,
7 whether or not incorporated into an order, is subject to approval of the attorney
8 general.

9 **SECTION 946.** 20.865 (1) (cb) of the statutes is repealed.

10 **SECTION 947.** 20.865 (1) (cc) of the statutes is created to read:

11 20.865 (1) (cc) *Compensation and related adjustments.* The amounts in the
12 schedule to supplement the appropriations to state agencies for the increased cost
13 incurred during the 2001-03 fiscal biennium of compensation and fringe benefits,
14 other than health insurance benefits, resulting from pay adjustments with an
15 effective date after July 2, 2000, and before July 1, 2001.

16 **SECTION 948.** 20.865 (1) (cc) of the statutes, as created by 2001 Wisconsin Act
17 (this act), is repealed.

18 **SECTION 949.** 20.865 (1) (em) of the statutes is amended to read:

19 20.865 (1) (em) *Financial and procurement services.* The amounts in the
20 schedule to supplement the general purpose revenue appropriations of state
21 agencies for charges assessed by the department of administration under ss. 16.53
22 (13) and 16.71 (6) for financial and procurement services performed on behalf of the
23 agencies under s. 16.53 (13), except charges for procurement savings identified
24 under s. 16.71 (6).

25 **SECTION 950.** 20.865 (1) (ib) of the statutes is repealed.

SENATE BILL 55**SECTION 951**

1 **SECTION 951.** 20.865 (1) (id) of the statutes is created to read:

2 20.865 (1) (id) *Compensation and related adjustments; nonfederal program*
3 *revenues.* From the appropriate program revenue and program revenue-service
4 accounts, a sum sufficient to supplement the appropriations to state agencies for the
5 increased cost incurred during the 2001-03 fiscal biennium of compensation and
6 fringe benefits, other than health insurance benefits, resulting from pay
7 adjustments with an effective date after July 2, 2000, and before July 1, 2001.

8 **SECTION 952.** 20.865 (1) (id) of the statutes, as created by 2001 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 953.** 20.865 (1) (js) of the statutes is amended to read:

11 20.865 (1) (js) *Financial and procurement services; program revenues.* From
12 the appropriate program revenue and program revenue-service appropriations, a
13 sum sufficient to supplement the program revenue appropriations to state agencies
14 for charges assessed by the department of administration under ss. 16.53 (13) and
15 16.71 (6) for financial and procurement services performed on behalf of the agencies
16 under s. 16.53 (13), except charges for procurement savings identified under s. 16.71
17 (6).

18 **SECTION 954.** 20.865 (1) (mb) of the statutes is created to read:

19 20.865 (1) (mb) *Compensation and related adjustments; federal program*
20 *revenues.* From the appropriate federal program revenue accounts, a sum sufficient
21 to supplement the appropriations to state agencies for the increased cost incurred
22 during the 2001-03 fiscal biennium of compensation and fringe benefits, other than
23 health insurance benefits, resulting from pay adjustments with an effective date
24 after July 2, 2000, and before July 1, 2001.

SENATE BILL 55**SECTION 955**

1 **SECTION 955.** 20.865 (1) (mb) of the statutes, as created by 2001 Wisconsin Act
2 (this act), is repealed.

3 **SECTION 956.** 20.865 (1) (sb) of the statutes is created to read:

4 20.865 (1) (sb) *Compensation and related adjustments; nonfederal segregated*
5 *revenues.* From the appropriate segregated funds derived from nonfederal
6 segregated revenues, a sum sufficient to supplement the appropriations to state
7 agencies for the increased cost incurred during the 2001-03 fiscal biennium of
8 compensation and fringe benefits, other than health insurance benefits, resulting
9 from pay adjustments with an effective date after July 2, 2000, and before July 1,
10 2001.

11 **SECTION 957.** 20.865 (1) (sb) of the statutes, as created by 2001 Wisconsin Act
12 (this act), is repealed.

13 **SECTION 958.** 20.865 (1) (ts) of the statutes is amended to read:

14 20.865 (1) (ts) *Financial and procurement services; segregated revenues.* From
15 the appropriate segregated funds, a sum sufficient to supplement the appropriations
16 to state agencies for charges assessed by the department of administration under ss.
17 16.53 (13) and 16.71 (6) for financial and procurement services performed on behalf
18 of the agencies ~~under s. 16.53 (13),~~ except charges for procurement savings identified
19 under s. 16.71 (6).

20 **SECTION 959.** 20.865 (1) (xb) of the statutes is created to read:

21 20.865 (1) (xb) *Compensation and related adjustments; federal segregated*
22 *revenues.* From the appropriate segregated funds derived from federal segregated
23 revenues, a sum sufficient to supplement the appropriations to state agencies for the
24 increased cost incurred during the 2001-03 fiscal biennium of compensation and

SENATE BILL 55**SECTION 959**

1 fringe benefits, other than health insurance benefits, resulting from pay
2 adjustments with an effective date after July 2, 2000, and before July 1, 2001.

3 **SECTION 960.** 20.865 (1) (xb) of the statutes, as created by 2001 Wisconsin Act
4 (this act), is repealed.

5 **SECTION 961.** 20.865 (2) (a) of the statutes is amended to read:

6 20.865 (2) (a) *Space management and child care.* The amounts in the schedule
7 to finance the costs of remodeling, moving, additional rental costs and move-related
8 vacant space costs, ~~except costs financed under s. 20.855 (3) (a),~~ and the unbudgeted
9 costs of assessments for child care facilities under s. 16.841 (4) incurred by state
10 agencies.

11 **SECTION 962.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act
12 146, is amended to read:

13 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
14 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
15 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e), ~~(2) (e) and (j), (4) (e) and (5) (e),~~
16 20.250 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh),
17 (ih), (kd), and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac),
18 (ag), (aq), (ar), (at), (au), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq), and (er), 20.395
19 (6) (af), (aq), and (ar), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6)
20 (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g), and
21 (kc) and (9) (b) and (h), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp),
22 (br), (g), (h), (i), and (q) for the payment of principal and interest on public debt
23 contracted under subchs. I and IV of ch. 18.

24 **SECTION 963.** 20.866 (2) (tc) of the statutes is amended to read:

SENATE BILL 55**SECTION 963**

1 20.866 (2) (tc) *Clean water fund program*. From the capital improvement fund,
2 a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred
3 to the environmental improvement fund for the purposes of the clean water fund
4 program under ss. 281.58 and 281.59. The state may contract public debt in an
5 amount not to exceed ~~\$552,743,200~~ \$617,743,200 for this purpose. Of this amount,
6 the amount needed to meet the requirements for state deposits under 33 USC 1382
7 is allocated for those deposits. Of this amount, \$8,250,000 is allocated to fund the
8 minority business development and training program under s. 200.49 (2) (b).
9 Moneys from this appropriation account may be expended for the purposes of s.
10 281.57 (10m) and (10r) only in the amount by which the department of natural
11 resources and the department of administration determine that moneys available
12 under par. (tn) are insufficient for the purposes of s. 281.57 (10m) and (10r).

13 **SECTION 964.** 20.866 (2) (tc) of the statutes, as affected by 2001 Wisconsin Act
14 (this act), is amended to read:

15 20.866 (2) (tc) *Clean water fund program*. From the capital improvement fund,
16 a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred
17 to the environmental improvement fund for the purposes of the clean water fund
18 program under ss. 281.58 and 281.59. The state may contract public debt in an
19 amount not to exceed ~~\$617,743,200~~ \$637,743,200 for this purpose. Of this amount,
20 the amount needed to meet the requirements for state deposits under 33 USC 1382
21 is allocated for those deposits. Of this amount, \$8,250,000 is allocated to fund the
22 minority business development and training program under s. 200.49 (2) (b).
23 Moneys from this appropriation account may be expended for the purposes of s.
24 281.57 (10m) and (10r) only in the amount by which the department of natural

SENATE BILL 55**SECTION 964**

1 resources and the department of administration determine that moneys available
2 under par. (tn) are insufficient for the purposes of s. 281.57 (10m) and (10r).

3 **SECTION 965.** 20.866 (2) (te) of the statutes is amended to read:

4 20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital
5 improvement fund, a sum sufficient for the department of natural resources to
6 provide funds for nonpoint source water pollution abatement projects under s.
7 281.65. The state may contract public debt in an amount not to exceed ~~\$56,763,600~~
8 \$79,163,600 for this purpose.

9 **SECTION 966.** 20.866 (2) (tg) of the statutes is amended to read:

10 20.866 (2) (tg) *Natural resources; environmental repair.* From the capital
11 improvement fund, a sum sufficient for the department of natural resources to fund
12 investigations and remedial action under s. 292.11 (7) (a) or 292.31 and remedial
13 action under s. 281.83 and for payment of this state's share of environmental repair
14 that is funded under 42 USC 6991 to 6991i or 42 USC 9601 to 9675. The state may
15 contract public debt in an amount not to exceed ~~\$43,000,000~~ \$48,000,000 for this
16 purpose. Of this amount, ~~\$5,000,000~~ \$7,000,000 is allocated for remedial action
17 under s. 281.83.

18 **SECTION 967.** 20.866 (2) (th) of the statutes is amended to read:

19 20.866 (2) (th) *Natural resources; urban nonpoint source cost-sharing.* From
20 the capital improvement fund, a sum sufficient for the department of natural
21 resources to provide cost-sharing grants for urban nonpoint source water pollution
22 abatement and storm water management projects under s. 281.66 and to provide
23 municipal flood control and riparian restoration cost-sharing grants under s.
24 281.665. The state may contract public debt in an amount not to exceed ~~\$13,000,000~~
25 \$24,000,000 for this purpose.

SENATE BILL 55**SECTION 968**

1 **SECTION 968.** 20.866 (2) (tL) of the statutes is amended to read:

2 20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety*
3 *projects.* From the capital improvement fund, a sum sufficient for the department
4 of natural resources to provide financial assistance to counties, cities, villages,
5 towns, and public inland lake protection and rehabilitation districts for dam safety
6 projects under s. 31.385. The state may contract public debt in an amount not to
7 exceed ~~\$6,350,000~~ \$6,600,000 for this purpose.

8 **SECTION 969.** 20.866 (2) (tn) of the statutes is amended to read:

9 20.866 (2) (tn) *Natural resources; pollution abatement and sewage collection*
10 *facilities.* From the capital improvement fund, a sum sufficient to the department
11 of natural resources to acquire, construct, develop, enlarge or improve point source
12 water pollution abatement facilities and sewage collection facilities under s. 281.57
13 and to upgrade or replace a drinking water treatment plant under s. 281.57 (10t)
14 including eligible engineering design costs. Payments may be made from this
15 appropriation for capital improvement expenditures and encumbrances authorized
16 under s. 281.57 before July 1, 1990, except for reimbursements made under s. 281.57
17 (9m) (a) and except as provided in s. 281.57 (10m), (10r) and (10t). Payments may
18 also be made from this appropriation for expenditures and encumbrances resulting
19 from disputed costs under s. 281.57 if an appeal of an eligibility determination is filed
20 before July 1, 1990, and the result of the dispute requires additional funds for an
21 eligible project. The state may contract public debt in an amount not to exceed
22 ~~\$902,449,800~~ \$893,493,400 for this purpose.

23 **SECTION 970.** 20.866 (2) (uv) of the statutes is amended to read:

24 20.866 (2) (uv) *Transportation, harbor improvements.* From the capital
25 improvement fund, a sum sufficient for the department of transportation to provide

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1 grants for harbor improvements. The state may contract public debt in an amount
2 not to exceed ~~\$22,000,000~~ \$25,000,000 for this purpose.

3 **SECTION 971.** 20.866 (2) (uw) of the statutes is amended to read:

4 20.866 (2) (uw) *Transportation; rail acquisitions and improvements.* From the
5 capital improvement fund, a sum sufficient for the department of transportation to
6 acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and
7 loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d).
8 The state may contract public debt in an amount not to exceed ~~\$23,500,000~~
9 \$28,000,000 for these purposes.

10 **SECTION 972.** 20.866 (2) (we) of the statutes is amended to read:

11 20.866 (2) (we) *Agriculture; soil and water.* From the capital improvement
12 fund, a sum sufficient for the department of agriculture, trade and consumer
13 protection to provide for soil and water resource management under s. 92.14. The
14 state may contract public debt in an amount not to exceed ~~\$6,575,000~~ \$13,575,000
15 for this purpose.

16 **SECTION 973.** 20.866 (2) (ws) of the statutes is created to read:

17 20.866 (2) (ws) *Administration; educational communications facilities.* From
18 the capital improvement fund, a sum sufficient for the department of administration
19 to acquire, construct, develop, enlarge, or improve educational communications
20 facilities. Unless the secretary of administration first determines that the federal
21 communications commission has approved the transfer of all broadcasting licenses
22 held by the educational communications board to the broadcasting corporation as
23 defined in s. 39.81 (2), no moneys may be encumbered or public debt contracted under
24 this paragraph. If the secretary of administration determines that the transfer of
25 licenses has been approved, on and after the effective date of the last license

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1 transferred, as determined by the secretary of administration under s. 39.87 (2) (a),
2 the state may, for the purpose of this appropriation, contract public debt in an
3 amount not to exceed \$8,658,100 less any amount contracted on behalf of the
4 educational communications board before the effective date of the last license
5 transferred as determined by the secretary of administration under s. 39.87 (2) (a).

6 **SECTION 974.** 20.866 (2) (zc) of the statutes is amended to read:

7 20.866 (2) (zc) *Technology for educational achievement in Wisconsin board;*
8 *school district educational technology infrastructure financial assistance; wiring.*
9 From the capital improvement fund, a sum sufficient for the technology for
10 educational achievement in Wisconsin board to provide educational technology
11 infrastructure financial assistance to school districts under s. 44.72 (4) (a) 1. The
12 state may contract public debt in an amount not to exceed \$100,000,000 for this
13 purpose.

14 **SECTION 975.** 20.866 (2) (zcm) of the statutes is amended to read:

15 20.866 (2) (zcm) *Technology for educational achievement in Wisconsin board;*
16 *public library educational technology infrastructure financial assistance; wiring.*
17 From the capital improvement fund, a sum sufficient for the technology for
18 educational achievement in Wisconsin board to provide educational technology
19 infrastructure financial assistance to public library boards under s. 44.72 (4) (a) 1.
20 The state may contract public debt in an amount not to exceed \$10,000,000
21 \$5,000,000 for this purpose.

22 **SECTION 976.** 20.866 (2) (zcp) of the statutes is created to read:

23 20.866 (2) (zcp) *Technology for educational achievement in Wisconsin board;*
24 *public library educational technology infrastructure financial assistance;*
25 *communications hardware.* From the capital improvement fund, a sum sufficient for

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1 the technology for educational achievement in Wisconsin board to provide
2 educational technology infrastructure financial assistance to public library boards
3 under s. 44.72 (4) (a) 2. The state may contract public debt in an amount not to exceed
4 \$5,000,000 for this purpose.

5 **SECTION 977.** 20.866 (2) (zd) of the statutes is amended to read:

6 20.866 (2) (zd) *Educational communications board; educational*
7 *communications facilities.* From the capital improvement fund, a sum sufficient for
8 the educational communications board to acquire, construct, develop, enlarge or
9 improve educational communications facilities. The state may contract public debt
10 in an amount not to exceed \$8,658,100 for this purpose. If the secretary of
11 administration determines that the federal communications commission has
12 approved the transfer of all broadcasting licenses held by the educational
13 communications board to the broadcasting corporation as defined in s. 39.81 (2), on
14 and after the effective date of the last license transferred as determined by the
15 secretary of administration under s. 39.87 (2) (a).

16 **SECTION 978.** 20.866 (2) (zn) of the statutes is amended to read:

17 20.866 (2) (zn) *Veterans affairs; self-amortizing mortgage loans.* From the
18 capital improvement fund, a sum sufficient for the department of veterans affairs for
19 loans to veterans under s. 45.79 (6) (a). The state may contract public debt in an
20 amount not to exceed ~~\$2,020,500,000~~ \$2,120,840,000 for this purpose.

21 **SECTION 979.** 20.867 (3) (h) of the statutes is amended to read:

22 20.867 (3) (h) *Principal repayment, interest, and rebates.* A sum sufficient to
23 guarantee full payment of principal and interest costs for self-amortizing or
24 partially self-amortizing facilities enumerated under ss. 20.190 (1) (j), 20.245 (2) (1)
25 (j), 20.285 (1) (ih), (kd) and (km), 20.370 (7) (eq) and 20.485 (1) (go) if moneys

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1 available in those appropriations are insufficient to make full payment, and to make
2 full payment of the amounts determined by the building commission under s. 13.488
3 (1) (m) if the appropriation under s. 20.190 (1) (j), 20.245 ~~(2)~~ (1) (j), 20.285 (1) (ih), (kd)
4 or (km) or 20.485 (1) (go) is insufficient to make full payment of those amounts. All
5 amounts advanced under the authority of this paragraph shall be repaid to the
6 general fund whenever the balance of the appropriation for which the advance was
7 made is sufficient to meet any portion of the amount advanced. The department of
8 administration may take whatever action is deemed necessary including the making
9 of transfers from program revenue appropriations and corresponding appropriations
10 from program receipts in segregated funds and including actions to enforce
11 contractual obligations that will result in additional program revenue for the state,
12 to ensure recovery of the amounts advanced.

13 **SECTION 980.** 20.867 (3) (k) of the statutes is amended to read:

14 20.867 (3) (k) *Interest rebates on obligation proceeds; program revenues.* All
15 moneys transferred from the appropriations under pars. (g) and (i) and ss. 20.190 (1)
16 (j), 20.245 ~~(2)~~ (1) (j), 20.285 (1) (kd), 20.410 (1) (ko) and 20.505 (5) (g) and (kc) to make
17 the payments determined by the building commission under s. 13.488 (1) (m) on the
18 proceeds of obligations specified in those paragraphs.

19 **SECTION 981.** 20.875 (1) (a) of the statutes is repealed and recreated to read:

20 20.875 (1) (a) *General fund transfer.* A sum sufficient equal to the amount that
21 is required to be transferred under s. 16.518 (3).

22 **SECTION 982.** 20.876 of the statutes is created to read:

23 **20.876 Tax relief fund. (1) TRANSFERS TO FUND.** There is appropriated to the
24 tax relief fund:

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1 (a) *General fund transfer.* A sum sufficient equal to the amount that is required
2 to be transferred under s. 16.518 (4).

3 **(2) TRANSFERS FROM THE FUND.** There is appropriated from the tax relief fund
4 to the general fund:

5 (q) *Tax relief fund transfer.* An amount equal to the amount certified to the
6 secretary of administration under s. 71.07 (7m) (d).

7 **SECTION 983.** 20.903 (2) (b) of the statutes is amended to read:

8 20.903 **(2)** (b) Notwithstanding sub. (1), liabilities may be created and moneys
9 expended from the appropriations under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and
10 (es) ~~and~~, 20.505 (1) (im), (ka), (kb), and (kc) and (kd), and 20.530 (1) (is), (it), (ke), and
11 (kf) in an additional amount not exceeding the depreciated value of equipment for
12 operations financed under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) ~~and~~, 20.505
13 (1) (im), (ka), (kb), and (kc) and (kd), and 20.530 (1) (is), (it), (ke), and (kf). The
14 secretary of administration may require such statements of assets and liabilities as
15 he or she deems necessary before approving expenditure estimates in excess of the
16 unexpended moneys in the appropriation account.

17 **SECTION 984.** 20.916 (8) (a) of the statutes is amended to read:

18 20.916 **(8)** (a) The secretary of employment relations shall recommend to the
19 joint committee on employment relations uniform travel schedule amounts for travel
20 by state officers and employees whose compensation is established under s. 20.923
21 or 230.12. Such amounts shall include maximum permitted amounts for meal and
22 lodging costs, special allowance expenses under sub. (9) (d), and portorage tips,
23 except as authorized under s. 16.53 (12) (c). In lieu of the maximum permitted
24 amounts for expenses under sub. (9) (b), (c), and (d), the secretary may recommend
25 to the committee a per diem amount and method of reimbursement for any or all

SENATE BILL 55**SECTION 984**

1 expenses under sub. (9) (b), (c), and (d). ~~The secretary shall also recommend to the~~
2 ~~committee the amount of the allowance for legislative expenses under s. 13.123 (1)~~
3 ~~(a) 1.~~

4 **SECTION 985.** 20.916 (8) (b) of the statutes is amended to read:

5 20.916 (8) (b) The approval process for the uniform travel schedule amounts
6 ~~and allowances for legislative expenses~~ under this subsection shall be the same as
7 that provided under s. 230.12 (3) (b). The approved amounts for the uniform travel
8 schedule ~~and legislative expense allowances~~ shall be incorporated into the
9 compensation plan under s. 230.12 (1).

10 **SECTION 986.** 20.923 (4) (a) 6. of the statutes is repealed.

11 **SECTION 987.** 20.923 (4) (c) 2. of the statutes is created to read:

12 20.923 (4) (c) 2. Education evaluation and accountability, board on: executive
13 director.

14 **SECTION 988.** 20.923 (4) (e) 1e. of the statutes is amended to read:

15 20.923 (4) (e) 1e. Educational communications board: executive director. If the
16 secretary of administration determines that the federal communications
17 commission has approved the transfer of all broadcasting licenses held by the
18 educational communications board to the broadcasting corporation as defined in s.
19 39.81 (2), this subdivision does not apply on and after the effective date of the last
20 license transferred as determined by the secretary of administration under s. 39.87
21 (2) (a).

22 **SECTION 989.** 20.923 (4) (h) 2. of the statutes is created to read:

23 20.923 (4) (h) 2. Electronic government, department of: secretary (chief
24 information officer).

25 **SECTION 990.** 20.923 (6) (aj) of the statutes is created to read:

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1 20.923 (6) (aj) Administration, department of: state-local government
2 coordinator.

3 **SECTION 991.** 20.923 (6) (b) of the statutes is amended to read:

4 20.923 (6) (b) Educational communications board: unclassified professional
5 staff. If the secretary of administration determines that the federal communications
6 commission has approved the transfer of all broadcasting licenses held by the
7 educational communications board to the broadcasting corporation as defined in s.
8 39.81 (2), this paragraph does not apply on and after the effective date of the last
9 license transferred as determined by the secretary of administration under s. 39.87
10 (2) (a).

11 **SECTION 992.** 20.923 (6) (bb) of the statutes is created to read:

12 20.923 (6) (bb) Elections board: special masters appointed under s. 7.08 (7).

13 **SECTION 993.** 20.923 (6) (dm) of the statutes is repealed.

14 **SECTION 994.** 20.924 (1) (h) of the statutes is repealed.

15 **SECTION 995.** 20.924 (4) of the statutes is amended to read:

16 20.924 (4) In addition to the authorized building program for the historical
17 society, the society may expend any funds which are made available from the
18 appropriations under s. 20.245 (1) ~~(ag), (g), (h) and (m), (2) (a) to (bi), (g), (h) and (m),~~
19 ~~(3) (g), (h), (m) and (n), (4) (g), (h) and (m) and (5) (a), (g), (h) and (m) and (n).~~

20 **SECTION 996.** 21.01 (1) of the statutes is amended to read:

21 21.01 (1) The organized militia of this state shall be known as the “Wisconsin
22 national guard” and the “Wisconsin naval militia” and shall consist of members
23 appointed or enlisted therein in accordance with federal law or regulations
24 governing or pertaining to the national guard or to the naval militia.

25 **SECTION 997.** 21.01 (3) of the statutes is created to read:

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1 21.01 (3) The Wisconsin naval militia shall consist of members or former
2 members of U.S. naval, coast guard, or marine corps reserve, enlisted or appointed,
3 who also join the Wisconsin naval militia. The members and units of the Wisconsin
4 naval militia while in state service shall be under the command and control of the
5 governor through the adjutant general. Their membership in the Wisconsin naval
6 militia is authorized under the provisions of Title 10 U.S. Code Sections 7851, 7852,
7 and 7854. The primary purpose of the naval militia will be to respond to the call of
8 the governor to support the state of Wisconsin during times of natural disaster, state
9 emergency, domestic disorder, or other public service support missions. The military
10 structure of the units of the naval militia will be established by the adjutant general
11 by military regulation, approved by the governor. The term “naval militia” when
12 used in this chapter will refer to the members and units thus organized and not to
13 the “national guard,” unless the context otherwise requires that interpretation.

14 **SECTION 998.** 21.015 (1) of the statutes is amended to read:

15 21.015 (1) Administer the national guard and the naval militia.

16 **SECTION 999.** 21.015 (2) of the statutes is amended to read:

17 21.015 (2) Provide facilities for the national guard and the naval militia and
18 any other support available from the appropriations under s. 20.465.

19 **SECTION 1000.** 21.025 (2) (b) of the statutes is amended to read:

20 21.025 (2) (b) The governor may form an aviation unit and a naval unit of the
21 state defense force and formulate the rules and regulations therefor and prescribe
22 the duties thereof consistent with the functions of the state defense force.

23 **SECTION 1001.** 21.025 (2) (c) of the statutes is amended to read:

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1 21.025 (2) (c) Officers and enlistees, while on active duty under orders of the
2 governor, shall receive the base pay and allowances of the their identical pay grade
3 in the United States army.

4 **SECTION 1002.** 21.03 of the statutes is amended to read:

5 **21.03 Distribution of arms.** The governor may receive and distribute,
6 according to law, the quota of arms and military equipment which the state may
7 receive from the government of the United States under the provisions of any acts
8 of congress providing for arming and equipping the national guard, the naval militia,
9 and the state defense force.

10 **SECTION 1003.** 21.07 of the statutes is amended to read:

11 **21.07 Decorations and awards.** The adjutant general may prescribe
12 decorations and awards for the Wisconsin national guard, the Wisconsin naval
13 militia, and the state defense force, the form and issue thereof made under rules
14 adopted by the adjutant general and approved by the governor.

15 **SECTION 1004.** 21.09 of the statutes is amended to read:

16 **21.09 Training; special schools; pay and allowances.** The governor may
17 order the national guard or the naval militia, or both, to assemble for training at any
18 military establishment within or without the state specified and approved by the
19 department of defense and fix the dates and places thereof, and the governor may
20 order members of the national guard and the naval militia, at their option, to attend
21 such special schools for military training as may be authorized by the state or federal
22 government. For such training and attendance at special schools, members of the
23 national guard and the naval militia shall receive such pay and allowances as the
24 federal government or the governor may authorize.

25 **SECTION 1005.** 21.11 (1) of the statutes is amended to read:

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1 21.11 (1) In case of war, insurrection, rebellion, riot, invasion or resistance to
2 the execution of the laws of this state or of the United States; in the event of public
3 disaster resulting from flood, conflagration or tornado; in order to assess damage or
4 potential damage and to recommend responsive action as a result of natural or
5 man-made events; or upon application of any marshal of the United States, the
6 president of any village, the mayor of any city, the chairperson of any town board, or
7 any sheriff in this state, the governor may order into active service all or any portion
8 of the national guard or the naval militia. If the governor is absent, or cannot be
9 immediately communicated with, any such civil officer may, if the officer deems the
10 occasion so urgent, make such application, which shall be in writing, to the
11 commanding officers of any company, battalion or regiment, or similar naval militia
12 unit, who may upon approval of the adjutant general, if the danger is great and
13 imminent, order out that officer's command to the aid of such civil officer. Such order
14 shall be delivered to the commanding officer, who shall immediately communicate
15 the order to each, and every subordinate officer, and every company commander or
16 similar naval militia commander receiving the same shall immediately
17 communicate the substance thereof to each member of the company or naval militia
18 unit, or if any such member cannot be found, a notice in writing containing the
19 substance of such order shall be left at the last and usual place of residence of such
20 member with some person of suitable age and discretion, to whom its contents shall
21 be explained.

22 **SECTION 1006.** 21.11 (2) of the statutes is amended to read:

23 21.11 (2) Any commissioned officer or enlisted member of the national guard
24 or the naval militia who fails to carry out orders or fails to appear at the time or place
25 ordered as provided in sub. (1) shall be punished under the Wisconsin code of military

SENATE BILL 55**SECTION 1006**

1 justice. Any person who advises or endeavors to persuade an officer or soldier
2 enlisted member to refuse or neglect to appear at such place or obey such order shall
3 forfeit not less than \$200 nor more than \$1,000.

4 **SECTION 1007.** 21.13 (1) of the statutes is amended to read:

5 21.13 (1) If any member of the national guard, the naval militia, or the state
6 defense force is prosecuted by any civil or criminal action for any act performed by
7 the member while in the performance of military duty and in pursuance of military
8 duty, the action against the member shall be defended by counsel, which may include
9 the attorney general, appointed for that purpose by the governor upon the
10 recommendation of the adjutant general. The adjutant general shall make the
11 recommendation if the act performed by the member was in the line of duty. The costs
12 and expenses of any such defense shall be audited by the department of
13 administration and paid out of the state treasury and charged to the appropriation
14 under s. 20.455 (1) (b) and if the jury or court finds that the member of the national
15 guard, the naval militia, or the state defense force against whom the action is
16 brought acted within the scope of his or her employment as a member, the judgment
17 as to damages entered against the member shall also be paid by the state.

18 **SECTION 1008.** 21.13 (2) of the statutes is amended to read:

19 21.13 (2) Any civil action or proceeding brought against a member of the
20 national guard, the naval militia, or the state defense force under sub. (1) is subject
21 to ss. 893.82 and 895.46.

22 **SECTION 1009.** 21.18 (1) of the statutes is amended to read:

23 21.18 (1) The Except as provided in sub. (4), the military staff of the governor
24 shall consist of the adjutant general, with a minimum rank of brigadier general; a
25 deputy adjutant general for army, who may be a general officer; an assistant adjutant

SENATE BILL 55**SECTION 1009**

1 general, army, for readiness and training, who may be a general officer; a deputy
2 assistant adjutant general, army, for readiness and training; a deputy adjutant
3 general for air, who may be a general officer; a chief surgeon for army, who may be
4 a general officer; a chief surgeon for air, who may be a general officer; a staff judge
5 advocate for army, who may be a general officer; a staff judge advocate for air, who
6 may be a general officer; a state chaplain, who may be a general officer; and such
7 other officers as the governor deems necessary. Vacancies in positions other than
8 those of the adjutant general shall be filled through appointment by the adjutant
9 general.

10 **SECTION 1010.** 21.18 (4) of the statutes is created to read:

11 21.18 (4) The military staff of the governor shall be to include an assistant to
12 the adjutant general for readiness and training for the naval militia who shall hold
13 the rank of rear admiral lower half, or brigadier general, depending upon branch of
14 service. He or she shall be appointed by the adjutant general with the consent of the
15 governor for a 3-year period and the appointee may be reappointed to successive
16 periods. The appointment of this assistant to the adjutant general shall not be
17 conditioned upon current membership in one of the United States armed forces
18 reserves. However, the appointee must comply with sub. (2) and must currently be
19 either a member of a U.S. reserve component, or have been separated from military
20 service under honorable conditions. The remainder of the military staff of the naval
21 militia shall be established by military regulations promulgated by the adjutant
22 general and approved by the governor.

23 **SECTION 1011.** 21.19 (2) of the statutes is amended to read:

24 21.19 (2) The department of military affairs on behalf of the state may rent to
25 appropriate organizations or individuals state-owned lands, buildings and facilities

SENATE BILL 55**SECTION 1011**

1 used by, acquired for, or erected for the Wisconsin national guard or other state
2 recognized military force, when not required for use by the Wisconsin national guard,
3 or other state recognized military force. Such rental shall not be effective unless in
4 writing and approved by the governor and the adjutant general or a designee in
5 writing.

6 **SECTION 1012.** 21.19 (8) of the statutes is amended to read:

7 21.19 (8) The adjutant general or a designee shall issue all necessary supplies
8 to members and units of the national guard, naval militia, or state defense force and
9 may contract for the purchase and transportation of such supplies, subject to s. 16.71
10 (1).

11 **SECTION 1013.** 21.20 of the statutes is amended to read:

12 **21.20 Civil service status.** All full-time state-paid employees of the
13 department of military affairs shall be under the classified service, except the
14 adjutant general, the executive assistant to the adjutant general, the deputy
15 adjutants general for army and air, the assistant to the adjutant general for
16 readiness and training for the naval militia, and the administrator of the division of
17 emergency management.

18 **SECTION 1014.** 21.30 of the statutes is amended to read:

19 **21.30 Chief surgeons; powers and duties.** The chief surgeons for army and
20 air shall, under direction of the adjutant general, have general supervision of the
21 medical units of the Wisconsin national guard, the Wisconsin naval militia, and state
22 defense force when organized. The chief surgeons shall make recommendations
23 concerning procurement of medical supplies for state active duty operations, for the
24 procurement and training of medical personnel and for the publication of Wisconsin
25 national guard, Wisconsin naval militia, or state defense force directives on medical

SENATE BILL 55**SECTION 1014**

1 subjects. The chief surgeons shall submit an annual report of the affairs and
2 expenses of their departments to the adjutant general.

3 **SECTION 1015.** 21.32 of the statutes is amended to read:

4 **21.32 Physical examinations.** The chief surgeons for army ~~and~~, air, and
5 naval militia shall provide for such physical examinations and inoculations of
6 officers, enlistees and applicants for enlistment, in the Wisconsin national guard and
7 the Wisconsin naval militia, as may be prescribed by department of defense and
8 national guard regulations and, if applicable, Wisconsin naval militia regulations.

9 **SECTION 1016.** 21.35 of the statutes is amended to read:

10 **21.35 Federal laws and regulations; no discrimination.** The
11 organization, armament, equipment and discipline of the Wisconsin national guard
12 and the Wisconsin naval militia shall be that prescribed by federal laws or
13 regulations; and the governor may by order perfect such organization, armament,
14 equipment and discipline, at any time, so as to comply with such laws and
15 regulations insofar as they are consistent with the Wisconsin code of military justice.
16 Notwithstanding any rule or regulation prescribed by the federal government or any
17 officer or department thereof, no person, otherwise qualified, may be denied
18 membership in the Wisconsin national guard or the Wisconsin naval militia because
19 of sex, color, race, creed or sexual orientation and no member of the Wisconsin
20 national guard or the Wisconsin naval militia may be segregated within the
21 Wisconsin national guard or the Wisconsin naval militia on the basis of sex, color,
22 race, creed or sexual orientation. Nothing in this section prohibits separate facilities
23 for persons of different sexes with regard to dormitory accommodations, public
24 toilets, showers, saunas and dressing rooms.

25 **SECTION 1017.** 21.36 (1) of the statutes is amended to read:

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1 21.36 (1) The rules of discipline and the regulations of the armed forces of the
2 U.S. shall, so far as the same are applicable, constitute the rules of discipline and the
3 regulations of the national guard and the naval militia; the rules and uniform code
4 of military justice established by congress and the department of defense for the
5 armed forces shall be adopted so far as they are applicable and consistent with the
6 Wisconsin code of military justice for the government of the national guard and the
7 naval militia, and the system of instruction and the drill regulations prescribed for
8 the different arms and corps of the armed forces of the U.S. shall be followed in the
9 military instruction and practice of the national guard and the naval militia, and the
10 use of any other system is forbidden.

11 **SECTION 1018.** 21.36 (2) of the statutes is amended to read:

12 21.36 (2) The governor may make and publish rules, regulations and orders for
13 the government of the national guard and the naval militia, not inconsistent with the
14 law, and cause the same, together with any laws relating thereto, to be printed and
15 distributed in book form or otherwise in such numbers as the governor deems
16 necessary, and the governor may provide for all books, blank books, and blanks that
17 may be necessary for the proper discharge of the duty of all officers. The governor
18 may delegate the authority under this subsection to the adjutant general by
19 executive order.

20 **SECTION 1019.** 21.38 of the statutes is amended to read:

21 **21.38 Uniform of Wisconsin national guard.** The uniform of the national
22 guard and the naval militia shall be that prescribed by regulations for the
23 corresponding branch of the United States armed forces. The uniform of the naval
24 militia shall be consistent for all unit members regardless of the branch of service.
25 This requirement shall be made by regulation by the adjutant general.

SENATE BILL 55**SECTION 1020**

1 **SECTION 1020.** 21.43 of the statutes is amended to read:

2 **21.43 Commissions and rank.** The governor shall issue commissions to all
3 officers whose appointments are approved by the governor. Every commission shall
4 be countersigned by the secretary of state and attested by the adjutant general and
5 continue as provided by law. Each officer so commissioned shall take and file with
6 the department of military affairs the oath of office prescribed by article IV, section
7 28, of the constitution. All commissioned officers shall take rank according to the
8 date assigned them by their commissions, and when 2 of the same grade rank from
9 the same date, their rank shall be determined by length of service in the national
10 guard and naval militia creditable for pay, and if of equal service then by lot.

11 **SECTION 1021.** 21.47 of the statutes is amended to read:

12 **21.47 Examinations for promotion or appointments.** The governor may
13 order any subordinate officer or person nominated or recommended for promotion or
14 appointment in the national guard or naval militia to be examined by any competent
15 officer or board of officers, designated in orders for that purpose, as to that person's
16 qualifications for the office to which that person may be recommended or appointed,
17 and may take such action on the report of such examining officer or board of officers
18 as the governor deems to be for the best interests of the service. The governor may
19 also require the physical examination provided for admission to the United States
20 army ~~or~~, air force, navy, marine corps, or coast guard.

21 **SECTION 1022.** 21.48 (1) of the statutes is amended to read:

22 21.48 (1) Each officer and enlisted person of the Wisconsin national guard and
23 the naval militia on active duty in the state under orders of the governor on a state
24 pay basis shall receive the base pay and allowances of an officer or enlisted person

SENATE BILL 55**SECTION 1022**

1 of equal rank in the corresponding branch of the U.S. armed forces except that the
2 base pay so provided shall not be less than \$50 per day.

3 **SECTION 1023.** 21.48 (3) of the statutes is amended to read:

4 21.48 (3) The governor may order, with their consent, to active duty in the
5 department of military affairs, any departmental officers of the governor's staff,
6 including the adjutant general ~~and~~, the deputy adjutants general, and the assistant
7 to the adjutant general for readiness and training for the naval militia, and while so
8 assigned the officers shall receive the pay, but not the allowances, of an officer of
9 equal grade in the armed forces of the United States.

10 **SECTION 1024.** 21.49 (1) (b) 2. of the statutes is amended to read:

11 21.49 (1) (b) 2. Any accredited institution of higher education, as defined by
12 ~~rule by the higher educational aids board~~ in 20 USC 1002.

13 **SECTION 1025.** 21.59 of the statutes is amended to read:

14 **21.59 Issue of subsistence.** The adjutant general, during state active duty
15 of the national guard, the naval militia, or state defense force, shall issue subsistence
16 to personnel.

17 **SECTION 1026.** Chapter 22 (title) of the statutes is created to read:

CHAPTER 22**DEPARTMENT OF****ELECTRONIC GOVERNMENT**

21 **SECTION 1027.** 22.01 (2m), (5), (6m) and (10) of the statutes are created to read:

22 22.01 (2m) "Board" means the information technology management board.

23 (5) "Department" means the department of electronic government.

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1 **(6m)** “Information technology portfolio” means information technology
2 systems, applications, infrastructure, and information resources and human
3 resources devoted to developing and maintaining information technology systems.

4 **(10)** “Telecommunications” means all services and facilities capable of
5 transmitting, switching, or receiving information in any form by wire, radio, or other
6 electronic means.

7 **SECTION 1028.** 22.05 (1) (ac) of the statutes is created to read:

8 22.05 (1) (ac) “Broadcasting corporation” has the meaning given under s. 39.81
9 (2).

10 **SECTION 1029.** 22.05 (2) (f) to (i) of the statutes are created to read:

11 22.05 (2) (f) Acquire, operate, and maintain any information technology
12 equipment or systems required by the department to carry out its functions, and
13 provide information technology development and management services related to
14 those information technology systems. The department may assess executive
15 branch agencies for the costs of equipment or systems acquired, operated,
16 maintained, or provided or services provided under this paragraph in accordance
17 with a methodology determined by the chief information officer. The department
18 may also charge any agency for such costs as a component of any services provided
19 by the department to the agency.

20 (g) Assume direct responsibility for the planning and development of any
21 information technology system in the executive branch of state government that the
22 chief information officer determines to be necessary to effectively develop or manage
23 the system, with or without the consent of any affected executive branch agency. The
24 department may charge any executive branch agency for the department’s

SENATE BILL 55**SECTION 1029**

1 reasonable costs incurred in carrying out its functions under this paragraph on
2 behalf of that agency.

3 (h) Establish master contracts for the purchase of materials, supplies,
4 equipment, or contractual services relating to information technology or
5 telecommunications for use by agencies, authorities, local governmental units, or
6 entities in the private sector and require any executive branch agency to make any
7 purchases of materials, supplies, equipment, or contractual services included under
8 the contract pursuant to the terms of the contract.

9 (i) Accept gifts, grants, and bequests, to be used for the purposes for which
10 made, consistently with applicable laws.

11 **SECTION 1030.** 22.07 (intro.) of the statutes is created to read:

12 **22.07 Duties of the department.** (intro.) The department shall:

13 **SECTION 1031.** 22.09 of the statutes is created to read:

14 **22.09 Powers of the chief information officer.** The chief information
15 officer may:

16 (1) Establish and collect assessments and charges for all authorized services
17 provided by the department, subject to applicable agreements under sub. (2).

18 (2) Subject to s. 22.05 (2) (b), enter into and enforce an agreement with any
19 agency, any authority, any unit of the federal government, any local governmental
20 unit, or any entity in the private sector to provide services authorized to be provided
21 by the department to that agency, authority, unit, or entity at a cost specified in the
22 agreement.

23 (3) Develop or operate and maintain any system or device facilitating Internet
24 or telephone access to information about programs of agencies, authorities, local
25 governmental units, or entities in the private sector, or otherwise permitting the

SENATE BILL 55**SECTION 1031**

1 transaction of business by agencies, authorities, local governmental units, or entities
2 in the private sector by means of electronic communication. The chief information
3 officer may assess executive branch agencies for the costs of systems or devices that
4 are developed, operated, or maintained under this subsection in accordance with a
5 methodology determined by the officer. The chief information officer may also charge
6 any agency, authority, local governmental unit, or entity in the private sector for such
7 costs as a component of any services provided by the department to that agency,
8 authority, local governmental unit, or entity.

9 (4) Notwithstanding ss. 20.115 to 20.585, transfer moneys from the
10 unencumbered balance in the account for any appropriation made to any executive
11 branch agency, other than a sum sufficient appropriation, to the appropriation
12 account under s. 20.530 (1) (ke) or (kf) or any other account for an appropriation made
13 to an executive branch agency, without the consent of any affected executive branch
14 agency, for the purpose of facilitating more efficient or effective funding of
15 information technology or electronic communications services within the executive
16 branch of state government, if the transfer is consistent with state and federal law
17 and with any requirement imposed by the federal government as a condition to
18 receipt of aids by this state. If any transfer under this subsection is made to or from
19 a sum certain appropriation, the amount in the schedule for the account from which
20 the transfer is made for the period during which the transfer is made is decreased
21 by the amount transferred and the amount in the schedule for the account to which
22 the transfer is made for the period during which the transfer is made is increased by
23 the amount transferred.

24 (5) Review and approve, approve with modifications, or disapprove any
25 proposed contract for the purchase of materials, supplies, equipment, or contractual

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1 services relating to information technology or telecommunications by an executive
2 branch agency.

3 **SECTION 1032.** 22.13 of the statutes is created to read:

4 **22.13 Strategic plans for executive branch agencies.** (1) As a part of each
5 proposed strategic plan submitted under s. 22.03 (2) (L), the department shall
6 require each executive branch agency to address the business needs of the agency
7 and to identify all proposed information technology development projects that serve
8 those business needs, the priority for undertaking such projects, and the justification
9 for each project, including the anticipated benefits of the project. Each proposed plan
10 shall identify any changes in the functioning of the agency under the plan. In each
11 even-numbered year, the plan shall include identification of any information
12 technology development project that the agency plans to include in its biennial
13 budget request under s. 16.42 (1).

14 (2) Each proposed strategic plan shall separately identify the initiatives that
15 the executive branch agency plans to undertake from resources available to the
16 agency at the time that the plan is submitted and initiatives that the agency proposes
17 to undertake that would require additional resources.

18 (3) Following receipt of a proposed strategic plan from an executive branch
19 agency under this section, the chief information officer shall, before June 1, notify
20 the agency of any concerns that the officer may have regarding the plan and provide
21 the agency with his or her recommendations regarding the proposed plan. The chief
22 information officer may also submit any concerns or recommendations regarding any
23 proposed plan to the board for its consideration. The board shall then consider the
24 proposed plan and provide the chief information officer with its recommendations

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1 regarding the plan. The executive branch agency may submit modifications to its
2 proposed plan in response to any recommendations.

3 (4) Before June 15, the chief information officer shall consider any
4 recommendations provided by the board under sub. (3) and shall then approve or
5 disapprove the proposed plan in whole or in part.

6 (5) No executive branch agency may implement a new or revised information
7 technology development project authorized under a strategic plan until the
8 implementation is approved by the chief information officer in accordance with
9 procedures prescribed by the officer.

10 (6) The department shall consult with the joint committee on information
11 policy and technology in providing guidance for planning by executive branch
12 agencies.

13 **SECTION 1033.** 22.15 of the statutes is created to read:

14 **22.15 Information technology portfolio management.** With the
15 assistance of executive branch agencies and the advice of the board, the department
16 shall manage the information technology portfolio of state government in accordance
17 with a management structure that includes all of the following:

18 (1) Criteria for selection of information technology assets to be managed.

19 (2) Methods for monitoring and controlling information technology
20 development projects and assets.

21 (3) Methods to evaluate the progress of information technology development
22 projects and the effectiveness of information technology systems, including
23 performance measurements for the information technology portfolio.

24 **SECTION 1034.** 22.17 of the statutes is created to read:

SENATE BILL 55**SECTION 1034**

1 **22.17 Information technology management board.** (1) The board shall
2 provide the chief information officer with its recommendations concerning any
3 elements of the strategic plan of an executive branch agency that are referred to the
4 board under s. 22.13 (3).

5 (2) The board may advise the chief information officer with respect to
6 management of the information technology portfolio of state government under s.
7 22.15.

8 (3) The board may, upon petition of an executive branch agency, review any
9 decision of the chief information officer under s. 16.505 (2e) or this chapter affecting
10 that agency. Upon review, the board may affirm, modify, or set aside the decision. If
11 the board modifies or sets aside the decision of the chief information officer, the
12 decision of the board stands as the decision of the chief information officer and the
13 decision is not subject to further review or appeal.

14 (4) The board may monitor progress in attaining goals for information
15 technology and telecommunications development set by the chief information officer
16 or executive branch agencies, and may make recommendations to the officer or
17 agencies concerning appropriate means of attaining those goals.

18 **SECTION 1035.** 23.0917 (6) (b) of the statutes is amended to read:

19 23.0917 (6) (b) Paragraph (a) applies only to an amount for a project or activity
20 that exceeds ~~\$250,000~~ \$500,000, except as provided in par. (c).

21 **SECTION 1036.** 23.0917 (8) (b) of the statutes is created to read:

22 23.0917 (8) (b) The department may not obligate moneys from the
23 appropriation under s. 20.866 (2) (ta) for the acquisition or development of land by
24 a county or other local governmental unit or political subdivision if the county, local

SENATE BILL 55**SECTION 1036**

1 governmental unit, or political subdivision acquires the land involved by
2 condemnation.

3 **SECTION 1037.** 23.097 (1) of the statutes is renumbered 23.097 (1) (b) and
4 amended to read:

5 23.097 (1) (b) The department shall award grants to counties, cities and,
6 villages, towns, and nonprofit organizations for up to 50% of the cost of tree
7 management plans, tree inventories, brush residue projects, the development of tree
8 management ordinances, tree disease evaluations, public education concerning
9 trees in urban areas and other tree projects.

10 **SECTION 1038.** 23.097 (1) (a) of the statutes is created to read:

11 23.097 (1) (a) In this subsection, a “nonprofit organization” means an
12 organization that is described in section 501 (c) (3) of the Internal Revenue Code and
13 that is exempt from federal income tax under section 501 (a) of the Internal Revenue
14 Code.

15 **SECTION 1039.** 23.175 (1) (b) of the statutes is amended to read:

16 23.175 (1) (b) “State agency” means any office, department, agency, institution
17 of higher education, association, society or other body in state government created
18 or authorized to be created by the constitution or any law which is entitled to expend
19 moneys appropriated by law, including any authority created under ch. 231, 233 or,
20 234, or 237 but not including the legislature or the courts.

21 **SECTION 1040.** 23.235 (2) of the statutes is amended to read:

22 23.235 (2) Except as provided in sub. (3), no person may sell, offer for sale,
23 distribute, plant, or cultivate any ~~nuisance weed~~ multiflora rose or seeds thereof.

24 **SECTION 1041.** 23.235 (4) of the statutes is repealed.

25 **SECTION 1042.** 23.24 of the statutes is created to read:

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1 **23.24 Aquatic plants. (1) DEFINITIONS.** In this section:

2 (a) “Aquaculture” has the meaning given in s. 93.01 (1d).

3 (b) “Aquatic plant” means a planktonic, submergent, emergent, or floating-leaf
4 plant or any part thereof.

5 (c) “Control” means to cut, remove, destroy, or suppress.

6 (d) “Cultivate” means to intentionally maintain the growth or existence of.

7 (e) “Distribute” means to sell, offer to sell, distribute for no consideration, or
8 offer to distribute for no consideration.

9 (f) “Introduce” means to plant, cultivate, stock, or release.

10 (g) “Invasive aquatic plant” means an aquatic plant that is designated under
11 sub. (2) (b) 1.

12 (h) “Manage” means to introduce or control.

13 (i) “Native” means indigenous to the waters of this state.

14 (j) “Nonnative” means not indigenous to the waters of this state.

15 (k) “Waters of this state” means any surface waters within the territorial limits
16 of this state.

17 **(2) PROGRAM ESTABLISHED.** (a) The department shall establish a program for
18 the waters of this state to do all of the following:

19 1. Protect and develop diverse and stable communities of native aquatic plants.

20 2. Regulate how aquatic plants are managed.

21 3. Provide education and conduct research concerning invasive aquatic plants.

22 (b) Under the program implemented under par. (a), the department shall do all
23 of the following:

24 1. Designate by rule which aquatic plants are invasive aquatic plants for
25 purposes of this section. The department shall designate Eurasian water milfoil,

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1 curly leaf pondweed, and purple loosestrife as invasive aquatic plants and may
2 designate any other aquatic plant as an invasive aquatic plant if it has the ability to
3 cause significant adverse change to desirable aquatic habitat, to significantly
4 displace desirable aquatic vegetation, or to reduce the yield of products produced by
5 aquaculture.

6 2. Administer and establish by rule procedures and requirements for the
7 issuing of aquatic plants management permits required under sub. (3).

8 (c) The requirements promulgated under par. (b) 2. may specify any of the
9 following:

10 1. The quantity of aquatic plants that may be managed under an aquatic plant
11 management permit.

12 2. The species of aquatic plants that may be managed under an aquatic plant
13 management permit.

14 3. The areas in which aquatic plants may be managed under an aquatic plant
15 management permit.

16 4. The methods that may be used to manage aquatic plants under an aquatic
17 plant management permit.

18 5. The times during which aquatic plants may be managed under an aquatic
19 plant management permit.

20 6. The allowable methods for disposing or using aquatic plants that are
21 removed or controlled under an aquatic plant management permit.

22 7. The requirements for plans that the department may require under sub. (3)
23 (b).

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1 **(3) PERMITS.** (a) Unless a person has a valid aquatic plant management permit
2 issued under the program established under sub. (2), no person may do any of the
3 following:

- 4 1. Introduce nonnative aquatic plants into waters of this state.
- 5 2. Manually remove aquatic plants from navigable waters.
- 6 3. Control aquatic plants in waters of this state by the use of chemicals.
- 7 4. Control aquatic plants in navigable waters by introducing biological agents,
8 by using a process that involves dewatering, desiccation, burning, or freezing, or by
9 using mechanical means.

10 (b) The department may require that an application for an aquatic plant
11 management permit contain a plan for the department's approval as to how the
12 aquatic plants will be introduced, removed, or controlled.

13 (c) The department may establish fees for aquatic plant management permits.
14 The department may establish a different fee for an aquatic plant management
15 permit to manage aquatic plants that are located in a body of water that is entirely
16 confined on the property of one property owner.

17 **(4) EXEMPTIONS FROM PERMITS.** (a) In this subsection:

18 1. "Local governmental unit" means a political subdivision of this state, a
19 special purpose district in this state, an instrumentality or corporation of the
20 political subdivision or special purpose district, or a combination or subunit of any
21 of the foregoing.

22 2. "State agency" means any office, department, independent agency, or
23 attached board or commission within the executive branch of state government, or
24 any special purpose authority created by statute.

25 (b) The permit requirement under sub. (3) does not apply to any of the following:

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1 1. A person who manually removes aquatic plants from privately owned stream
2 beds with the permission of the landowner.

3 2. A person who engages in an activity listed under sub. (3) (a) in the course of
4 harvesting wild rice as authorized under s. 29.607.

5 3. A person who engages in an activity listed under sub. (3) (a) in the course of
6 operating a fish farm as authorized under s. 95.60.

7 (c) The department may promulgate a rule to waive the permit requirement
8 under sub. (3) (a) 2. for any of the following:

9 1. A person who owns property on which there is a body of water that is entirely
10 confined on the property of that person.

11 2. A riparian owner who manually removes aquatic plants from a body of water
12 that abuts the owner's property provided that the removal does not interfere with the
13 rights of other riparian owners.

14 3. A person who is controlling purple loosestrife.

15 4. A person who uses chemicals in a body of water for the purpose of controlling
16 bacteria on bathing beaches.

17 5. A person who uses chemicals on plants to prevent the plants from interfering
18 with the use of water for drinking purposes.

19 6. A state agency or a local governmental unit that uses a chemical treatment
20 in a body of water for the purpose of protecting the public health.

21 **(5) DISTRIBUTION PROHIBITED.** No person may distribute an invasive aquatic
22 plant.

23 **(6) PENALTIES.** (a) Except as provided in par. (b), any person who violates sub.
24 (3) shall forfeit not more than \$200.

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1 (b) A person who violates sub. (3) and who, within 5 years before the arrest of
2 the current conviction, was previously convicted of a violation of sub. (3) shall forfeit
3 not less than \$700 nor more than \$2,000 or shall be imprisoned for not less than 6
4 months nor more than 9 months or both.

5 (c) The court may order a person who is convicted under par. (b) to abate any
6 nuisance caused by the violation, restore any natural resource damaged by the
7 violation, or take other appropriate action to eliminate or minimize any
8 environmental damage caused by the violation.

9 (d) A person who violates sub. (5) shall forfeit not more than \$100.

10 **SECTION 1043.** 23.27 (3) (a) of the statutes, as affected by 1997 Wisconsin Act
11 27, section 769ad, is repealed and recreated to read:

12 23.27 (3) (a) *Duties.* The department, with the advice of the council, shall
13 conduct a natural heritage inventory program. The department shall cooperate with
14 the department of administration under s. 16.967 and consider any
15 recommendations of the Wisconsin land council in conducting this program. This
16 program shall establish a system for determining the existence and location of
17 natural areas, the degree of endangerment of natural areas, an evaluation of the
18 importance of natural areas, information related to the associated natural values of
19 natural areas, and other information and data related to natural areas. This
20 program shall establish a system for determining the existence and location of native
21 plant and animal communities and endangered, threatened, and critical species, the
22 degree of endangerment of these communities and species, the existence and location
23 of habitat areas associated with these communities and species, and other
24 information and data related to these communities and species. This program shall

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1 establish and coordinate standards for the collection, storage, and management of
2 information and data related to the natural heritage inventory.

3 **SECTION 1044.** 23.32 (2) (d) of the statutes, as affected by 1997 Wisconsin Act
4 27, is repealed and recreated to read:

5 23.32 (2) (d) The department shall cooperate with the department of
6 administration under s. 16.967 and consider any recommendations of the Wisconsin
7 land council in conducting wetland mapping activities or any related land
8 information collection activities.

9 **SECTION 1045.** 23.325 (1) (a) of the statutes, as affected by 1997 Wisconsin Act
10 27, is repealed and recreated to read:

11 23.325 (1) (a) Shall consult with the department of administration, the
12 department of transportation, and the state cartographer, shall consider any
13 recommendations of the Wisconsin land council, and may consult with other
14 potential users of the photographic products resulting from the survey, to determine
15 the scope and character of the survey.

16 **SECTION 1046.** 23.33 (1) (g) of the statutes is repealed.

17 **SECTION 1047.** 23.33 (1) (jn) of the statutes is created to read:

18 23.33 (1) (jn) "Registration documentation" means an all-terrain vehicle
19 registration certificate, a validated registration receipt, or a registration decal.

20 **SECTION 1048.** 23.33 (1) (o) of the statutes is created to read:

21 23.33 (1) (o) "Validated registration receipt" means a receipt issued by the
22 department or an agent under sub. (2) (ig) 1. a. that shows that an application and
23 the required fees for a registration certificate has been submitted to the department.

24 **SECTION 1049.** 23.33 (2) (a) of the statutes is amended to read:

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1 23.33 (2) (a) *Requirement.* No person may operate and no owner may give
2 permission for the operation of an all-terrain vehicle within this state unless the
3 all-terrain vehicle is registered for public use or for private use under this subsection
4 or sub. (2g), is exempt from registration, or is operated with a reflectorized plate
5 attached in the manner specified under par. (dm) 3. No person may operate and no
6 owner may give permission for the operation of an all-terrain vehicle on a public
7 all-terrain vehicle route or trail unless the all-terrain vehicle is registered for public
8 use under this subsection or sub. (2g), ~~is exempt from registration or is operated with~~
9 ~~a reflectorized plate attached in the manner specified under par. (dm) 3.~~

10 **SECTION 1050.** 23.33 (2) (d) of the statutes is amended to read:

11 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle used
12 exclusively for agricultural purposes or used exclusively on private property may be
13 registered for private use. The fee for the issuance ~~or renewal~~ of a registration
14 certificate for private use is \$6.

15 **SECTION 1051.** 23.33 (2) (dm) 4. of the statutes is created to read:

16 23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial
17 all-terrain vehicle certificates or reflectorized plates.

18 **SECTION 1052.** 23.33 (2) (h) (title) of the statutes is repealed.

19 **SECTION 1053.** 23.33 (2) (h) of the statutes is renumbered 23.33 (2) (p) 2. and
20 amended to read:

21 23.33 (2) (p) 2. The department shall ~~may~~ establish by rule additional
22 procedures and requirements for all-terrain vehicle registration.

23 **SECTION 1054.** 23.33 (2) (i) (intro.) of the statutes is amended to read:

24 23.33 (2) (i) *Registration; ~~appointment of agents~~ issuers.* (intro.) For the
25 issuance of all-terrain vehicle registration certificates original or duplicate

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1 registration documentation and for the transfer or renewal of registration
2 documentation, the department may do any of the following:

3 **SECTION 1055.** 23.33 (2) (i) 1. of the statutes is amended to read:

4 23.33 (2) (i) 1. Directly issue ~~the certificates, transfer, or renew the registration~~
5 documentation with or without using the expedited service specified in par. (ig) 1.

6 **SECTION 1056.** 23.33 (2) (i) 2. of the statutes is repealed.

7 **SECTION 1057.** 23.33 (2) (i) 3. of the statutes is amended to read:

8 23.33 (2) (i) 3. Appoint persons who are not employees of the department as
9 agents of the department to issue ~~the certificate as agents of the department,~~
10 transfer, or renew the registration documentation using either or both of the
11 expedited services specified in par. (ig) 1.

12 **SECTION 1058.** 23.33 (2) (ig) of the statutes is created to read:

13 23.33 (2) (ig) *Registration; methods of issuance.* 1. For the issuance of original
14 or duplicate registration documentation and for the transfer or renewal of
15 registration documentation, the department may implement either or both of the
16 following expedited procedures to be provided by the department and any agents
17 appointed under par. (i) 3.:

18 a. A noncomputerized procedure under which the department or agent may
19 accept applications for registration certificates and issue a validated registration
20 receipt at the time the applicant submits the application accompanied by the
21 required fees.

22 b. A computerized procedure under which the department or agent may accept
23 applications for registration documentation and issue to each applicant all or some
24 of the items of the registration documentation at the time the applicant submits the
25 application accompanied by the required fees.

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1 2. Under either procedure under subd. 1., the applicant shall receive any
2 remaining items of registration documentation directly from the department at a
3 later date. The items of registration documentation issued at the time of the
4 submittal of the application under either procedure shall be sufficient to allow the
5 all-terrain vehicle for which the application is submitted to be operated in
6 compliance with the registration requirements under this subsection.

7 **SECTION 1059.** 23.33 (2) (ir) of the statutes is created to read:

8 23.33 (2) (ir) *Fees.* 1. In addition to the applicable fee under par. (c), (d), or (e),
9 each agent appointed under par. (i) 3. shall collect an expedited service fee of \$3 each
10 time the agent issues a validated registration receipt under par. (ig) 1. a. The agent
11 shall retain the entire amount of each expedited service fee the agent collects.

12 2. In addition to the applicable fee under par. (c), (d), or (e), the department or
13 the agent appointed under par. (i) 3. shall collect an expedited service fee of \$3 each
14 time the expedited service under par. (ig) 1. b. is provided. The agent shall remit to
15 the department \$1 of each expedited service fee the agent collects.

16 **SECTION 1060.** 23.33 (2) (j) of the statutes is repealed.

17 **SECTION 1061.** 23.33 (2) (k) of the statutes is repealed.

18 **SECTION 1062.** 23.33 (2) (L) of the statutes is repealed.

19 **SECTION 1063.** 23.33 (2) (m) of the statutes is repealed.

20 **SECTION 1064.** 23.33 (2) (n) of the statutes is repealed.

21 **SECTION 1065.** 23.33 (2) (o) of the statutes is amended to read:

22 23.33 (2) (o) *Renewals; remittal Receipt of fees.* ~~An agent appointed under par.~~
23 ~~(m) shall remit to the department \$2 of each \$3 fee collected under par. (n). Any All~~
24 ~~fees remitted to or collected by the department under par. (L) or (n) (ir) shall be~~
25 ~~credited to the appropriation account under s. 20.370 (9) (hu).~~

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1 **SECTION 1066.** 23.33 (2) (p) (title) and 1. of the statutes are created to read:

2 23.33 (2) (p) (title) *Rules.* 1. The department may promulgate rules to establish
3 eligibility and other criteria for the appointment of agents under par. (i) 3. and to
4 regulate the activities of these agents.

5 **SECTION 1067.** 23.50 (1) of the statutes is amended to read:

6 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
7 court to recover forfeitures, penalty assessments, law enforcement training fund
8 assessments, jail assessments, applicable weapons assessments, applicable
9 environmental assessments, applicable wild animal protection assessments,
10 applicable natural resources assessments, applicable fishing shelter removal
11 assessments, applicable snowmobile registration restitution payments, and
12 applicable natural resources restitution payments for violations of ss. 77.09, 134.60,
13 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4),
14 287.07, 287.08, 287.81, and 299.64 (2), subch. VI of ch. 77, this chapter and chs. 26
15 to 31 and of ch. 350, and any administrative rules promulgated thereunder,
16 violations specified under s. 285.86, violations of rules of the Kickapoo reserve
17 management board under s. 41.41 (7) (k), or violations of local ordinances enacted
18 by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

19 **SECTION 1068.** 23.50 (2) of the statutes is amended to read:

20 23.50 (2) All actions to recover these forfeitures, penalty assessments, law
21 enforcement training fund assessments, jail assessments, applicable weapons
22 assessments, applicable environmental assessments, applicable wild animal
23 protection assessments, applicable natural resources assessments, applicable
24 fishing shelter removal assessments, applicable snowmobile registration restitution
25 payments, and applicable natural resources restitution payments are civil actions

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1 in the name of the state of Wisconsin, shall be heard in the circuit court for the county
2 where the offense occurred, and shall be recovered under the procedure set forth in
3 ss. 23.50 to 23.85.

4 **SECTION 1069.** 23.50 (3) of the statutes is amended to read:

5 23.50 (3) All actions in municipal court to recover forfeitures, penalty
6 assessments, law enforcement training fund assessments, and jail assessments for
7 violations of local ordinances enacted by any local authority in accordance with s.
8 23.33 (11) (am) or 30.77 shall utilize the procedure in ch. 800. The actions shall be
9 brought before the municipal court having jurisdiction. Provisions relating to
10 citations, arrests, questioning, releases, searches, deposits, and stipulations of no
11 contest in ss. 23.51 (1), (3), and (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67 shall
12 apply to violations of such ordinances.

13 **SECTION 1070.** 23.51 (3t) of the statutes is created to read:

14 23.51 (3t) "Law enforcement training fund assessment" means the assessment
15 imposed under s. 165.87 (1).

16 **SECTION 1071.** 23.51 (8) of the statutes is amended to read:

17 23.51 (8) "Violation" means conduct which is prohibited by state law or
18 municipal ordinance and punishable by a forfeiture, a penalty assessment, a law
19 enforcement training fund assessment, a jail assessment, and a crime laboratories
20 and drug law enforcement assessment.

21 **SECTION 1072.** 23.53 (1) of the statutes is amended to read:

22 23.53 (1) The citation created under this section shall, in all actions to recover
23 forfeitures, penalty assessments, law enforcement training fund assessments, jail
24 assessments, applicable weapons assessments, applicable environmental
25 assessments, applicable wild animal protection assessments, applicable natural

SENATE BILL 55**SECTION 1072**

1 resources assessments, applicable fishing shelter removal assessments, applicable
2 snowmobile registration restitution payments, and applicable natural resources
3 restitution payments for violations of those statutes enumerated in s. 23.50 (1), any
4 administrative rules promulgated thereunder, and any rule of the Kickapoo reserve
5 management board under s. 41.41 (7) (k) be used by any law enforcement officer with
6 authority to enforce those laws, except that the uniform traffic citation created under
7 s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s.
8 167.31 or by an officer of a law enforcement agency of a municipality or county or a
9 traffic officer employed under s. 110.07 in enforcing s. 287.81. In accordance with s.
10 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway
11 use. The citation may be used for violations of local ordinances enacted by any local
12 authority in accordance with s. 23.33 (11) (am) or 30.77.

13 **SECTION 1073.** 23.54 (3) (e) of the statutes is amended to read:

14 23.54 (3) (e) The maximum forfeiture, penalty assessment, law enforcement
15 training fund assessment, jail assessment, crime laboratories and drug law
16 enforcement assessment, applicable weapons assessment, applicable environmental
17 assessment, applicable wild animal protection assessment, applicable natural
18 resources assessment, applicable fishing shelter removal assessment, applicable
19 snowmobile registration restitution payment, and applicable natural resources
20 restitution payment for which the defendant might be found liable.

21 **SECTION 1074.** 23.54 (3) (i) of the statutes is amended to read:

22 23.54 (3) (i) Notice that, if the defendant makes a deposit and fails to appear
23 in court at the time fixed in the citation, the defendant will be deemed to have
24 tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a
25 law enforcement training fund assessment, a jail assessment, a crime laboratories

SENATE BILL 55**SECTION 1074**

1 and drug law enforcement assessment, any applicable weapons assessment, any
2 applicable environmental assessment, any applicable wild animal protection
3 assessment, any applicable natural resources assessment, any applicable fishing
4 shelter removal assessment, any applicable snowmobile registration restitution
5 payment, and any applicable natural resources restitution payment plus costs,
6 including any applicable fees prescribed in ch. 814, not to exceed the amount of the
7 deposit. The notice shall also state that the court may decide to summon the
8 defendant rather than accept the deposit and plea.

9 **SECTION 1075.** 23.54 (3) (j) of the statutes is amended to read:

10 23.54 **(3)** (j) Notice that, if the defendant makes a deposit and signs the
11 stipulation, the defendant will be deemed to have tendered a plea of no contest and
12 submitted to a forfeiture, a penalty assessment, a law enforcement training fund
13 assessment, a jail assessment, a crime laboratories and drug law enforcement
14 assessment, any applicable weapons assessment, any applicable environmental
15 assessment, any applicable wild animal protection assessment, any applicable
16 natural resources assessment, any applicable fishing shelter removal assessment,
17 any applicable snowmobile registration restitution payment, and any applicable
18 natural resources restitution payment plus costs, including any applicable fees
19 prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also
20 state that the court may decide to summon the defendant rather than accept the
21 deposit and stipulation, and that the defendant may, at any time prior to or at the
22 time of the court appearance date, move the court for relief from the effects of the
23 stipulation.

24 **SECTION 1076.** 23.55 (1) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 1076**

1 23.55 (1) (b) A plain and concise statement of the violation identifying the event
2 or occurrence from which the violation arose and showing that the plaintiff is entitled
3 to relief, the statute upon which the cause of action is based, and a demand for a
4 forfeiture, the amount of which shall not exceed the maximum set by the statute
5 involved, a penalty assessment, a law enforcement training fund assessment, a jail
6 assessment, a crime laboratories and drug law enforcement assessment, any
7 applicable weapons assessment, any applicable environmental assessment, any
8 applicable wild animal protection assessment, any applicable natural resources
9 assessment, any applicable fishing shelter removal assessment, any applicable
10 snowmobile registration restitution payment, any applicable natural resources
11 restitution payment, and any other relief that is sought by the plaintiff.

12 **SECTION 1077.** 23.66 (2) of the statutes is amended to read:

13 23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate
14 showing the purpose for which the deposit is made, stating that the defendant may
15 inquire at the office of the clerk of court or municipal court regarding the disposition
16 of the deposit, and notifying the defendant that if he or she fails to appear in court
17 at the time fixed in the citation he or she will be deemed to have tendered a plea of
18 no contest and submitted to a forfeiture, a penalty assessment, a law enforcement
19 training fund assessment, a jail assessment, a crime laboratories and drug law
20 enforcement assessment, any applicable weapons assessment, any applicable
21 environmental assessment, any applicable wild animal protection assessment, any
22 applicable natural resources assessment, any applicable fishing shelter removal
23 assessment, any applicable snowmobile registration restitution payment, and any
24 applicable natural resources restitution payment plus costs, including any
25 applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which

SENATE BILL 55**SECTION 1077**

1 the court may accept. The original of the receipt shall be delivered to the defendant
2 in person or by mail. If the defendant pays by check, share draft, or other draft, the
3 check, share draft, or other draft or a microfilm copy of the check, share draft, or other
4 draft shall be considered a receipt. If the defendant makes the deposit by use of a
5 credit card, the credit charge receipt shall be considered a receipt.

6 **SECTION 1078.** 23.66 (4) of the statutes is amended to read:

7 23.66 (4) The basic amount of the deposit shall be determined in accordance
8 with a deposit schedule that the judicial conference shall establish. Annually, the
9 judicial conference shall review and may revise the schedule. In addition to the basic
10 amount determined according to the schedule, the deposit shall include court costs,
11 including any applicable fees prescribed in ch. 814, any applicable penalty
12 assessment, any applicable law enforcement training fund assessment, any
13 applicable jail assessment, any applicable crime laboratories and drug law
14 enforcement assessment, any applicable weapons assessment, any applicable
15 environmental assessment, any applicable wild animal protection assessment, any
16 applicable natural resources assessment, any applicable fishing shelter removal
17 assessment, any applicable snowmobile registration restitution payment, and any
18 applicable natural resources restitution payment.

19 **SECTION 1079.** 23.67 (2) of the statutes is amended to read:

20 23.67 (2) The deposit and stipulation of no contest may be made at any time
21 prior to the court appearance date. By signing the stipulation, the defendant is
22 deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty
23 assessment, a law enforcement training fund assessment, a jail assessment, a crime
24 laboratories and drug law enforcement assessment, any applicable weapons
25 assessment, any applicable environmental assessment, any applicable wild animal

SENATE BILL 55**SECTION 1079**

1 protection assessment, any applicable natural resources assessment, any applicable
2 fishing shelter removal assessment, any applicable snowmobile registration
3 restitution payment, and any applicable natural resources restitution payment plus
4 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount
5 of the deposit.

6 **SECTION 1080.** 23.67 (3) of the statutes is amended to read:

7 23.67 (3) The person receiving the deposit and stipulation of no contest shall
8 prepare a receipt in triplicate showing the purpose for which the deposit is made,
9 stating that the defendant may inquire at the office of the clerk of court or municipal
10 court regarding the disposition of the deposit, and notifying the defendant that if the
11 stipulation of no contest is accepted by the court the defendant will be deemed to have
12 submitted to a forfeiture, a penalty assessment, a law enforcement training fund
13 assessment, a jail assessment, a crime laboratories and drug law enforcement
14 assessment, any applicable weapons assessment, any applicable environmental
15 assessment, any applicable wild animal protection assessment, any applicable
16 natural resources assessment, any applicable fishing shelter removal assessment,
17 any applicable snowmobile registration restitution payment, and any applicable
18 natural resources restitution payment plus costs, including any applicable fees
19 prescribed in ch. 814, not to exceed the amount of the deposit. Delivery of the receipt
20 shall be made in the same manner as in s. 23.66.

21 **SECTION 1081.** 23.75 (3) (a) 2. of the statutes is amended to read:

22 23.75 (3) (a) 2. If the court considers the nonappearance to be a plea of no
23 contest and enters judgment accordingly, the court shall promptly mail a copy or
24 notice of the judgment to the defendant. The judgment shall allow the defendant not
25 less than 20 working days from the date the judgment copy or notice is mailed to pay

SENATE BILL 55**SECTION 1081**

1 the forfeiture, penalty assessment, law enforcement training fund assessment, jail
2 assessment, and crime laboratories and drug law enforcement assessment, any
3 applicable weapons assessment, any applicable environmental assessment, any
4 applicable wild animal protection assessment, any applicable natural resources
5 assessment, any applicable fishing shelter removal assessment, any applicable
6 snowmobile registration restitution payment, and any applicable natural resources
7 restitution payment plus costs, including any applicable fees prescribed in ch. 814.

8 **SECTION 1082.** 23.75 (3) (b) of the statutes is amended to read:

9 23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the
10 initial pleading and the defendant shall be deemed to have tendered a plea of no
11 contest and submitted to a forfeiture, a penalty assessment, a law enforcement
12 training fund assessment, a jail assessment, a crime laboratories and drug law
13 enforcement assessment, any applicable weapons assessment, any applicable
14 environmental assessment, any applicable wild animal protection assessment, any
15 applicable natural resources assessment, any applicable fishing shelter removal
16 assessment, any applicable snowmobile registration restitution payment, and any
17 applicable natural resources restitution payment plus any applicable fees prescribed
18 in ch. 814, not exceeding the amount of the deposit. The court may either accept the
19 plea of no contest and enter judgment accordingly, or reject the plea and issue a
20 summons. If the defendant fails to appear in response to the summons, the court
21 shall issue an arrest warrant. If the court accepts the plea of no contest, the
22 defendant may move within 90 days after the date set for appearance to withdraw
23 the plea of no contest, open the judgment, and enter a plea of not guilty if the
24 defendant shows to the satisfaction of the court that failure to appear was due to
25 mistake, inadvertence, surprise, or excusable neglect. If a party is relieved from the

SENATE BILL 55**SECTION 1082**

1 plea of no contest, the court or judge may order a written complaint to be filed and
2 set the matter for trial. After trial the costs and fees shall be taxed as provided by
3 law. If on reopening the defendant is found not guilty, the court shall delete the
4 record of conviction and shall order the defendant's deposit returned.

5 **SECTION 1083.** 23.75 (3) (c) of the statutes is amended to read:

6 23.75 (3) (c) If the defendant has made a deposit and stipulation of no contest,
7 the citation may serve as the initial pleading and the defendant shall be deemed to
8 have tendered a plea of no contest and submitted to a forfeiture, a penalty
9 assessment, a law enforcement training fund assessment, a jail assessment, a crime
10 laboratories and drug law enforcement assessment, any applicable weapons
11 assessment, any applicable environmental assessment, any applicable wild animal
12 protection assessment, any applicable natural resources assessment, any applicable
13 fishing shelter removal assessment, any applicable snowmobile registration
14 restitution payment, and any applicable natural resources restitution payment plus
15 any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.
16 The court may either accept the plea of no contest and enter judgment accordingly,
17 or reject the plea and issue a summons. If the defendant fails to appear in response
18 to the summons, the court shall issue an arrest warrant. After signing a stipulation
19 of no contest, the defendant may, at any time prior to or at the time of the court
20 appearance date, move the court for relief from the effect of the stipulation. The court
21 may act on the motion, with or without notice, for cause shown by affidavit and upon
22 just terms, and relieve the defendant from the stipulation and the effects thereof.
23 If the defendant is relieved from the stipulation of no contest, the court may order
24 a citation or complaint to be filed and set the matter for trial. After trial the costs
25 and fees shall be taxed as provided by law.

SENATE BILL 55**SECTION 1084**

1 **SECTION 1084.** 23.79 (1) of the statutes is amended to read:

2 23.79 (1) If the defendant is found guilty, the court may enter judgment against
3 the defendant for a monetary amount not to exceed the maximum forfeiture provided
4 by the statute for the violation, the penalty assessment, the law enforcement
5 training fund assessment, the jail assessment, the crime laboratories and drug law
6 enforcement assessment, any applicable weapons assessment, any applicable
7 environmental assessment, any applicable wild animal protection assessment, any
8 applicable natural resources assessment, any applicable fishing shelter removal
9 assessment, any applicable snowmobile registration restitution payment, any
10 applicable natural resources restitution payment, and for costs.

11 **SECTION 1085.** 23.80 (2) of the statutes is amended to read:

12 23.80 (2) Upon default of the defendant corporation or municipality, or upon
13 conviction, judgment for the amount of the forfeiture, the penalty assessment, the
14 law enforcement training fund assessment, the jail assessment, the crime
15 laboratories and drug law enforcement assessment, any applicable weapons
16 assessment, any applicable environmental assessment, any applicable wild animal
17 protection assessment, any applicable natural resources assessment, any applicable
18 fishing shelter removal assessment, any applicable snowmobile registration
19 restitution payment, and any applicable natural resources restitution payment shall
20 be entered.

21 **SECTION 1086.** 23.84 of the statutes is amended to read:

22 **23.84 Forfeitures and assessments collected; to whom paid.** Except for
23 actions in municipal court, all moneys collected in favor of the state or a municipality
24 for forfeiture, penalty assessment, law enforcement training fund assessment, jail
25 assessment, crime laboratories and drug law enforcement assessment, applicable

SENATE BILL 55**SECTION 1086**

1 weapons assessment, applicable environmental assessment, applicable wild animal
2 protection assessment, applicable natural resources assessment, applicable fishing
3 shelter removal assessment, applicable snowmobile registration restitution
4 payment, and applicable natural resources restitution payment shall be paid by the
5 officer who collects the same to the appropriate municipal or county treasurer, within
6 20 days after its receipt by the officer, except that all jail assessments shall be paid
7 to the county treasurer. In case of any failure in the payment, the municipal or
8 county treasurer may collect the payment from the officer by an action in the
9 treasurer's name of office and upon the official bond of the officer, with interest at the
10 rate of 12% per year from the time when it should have been paid.

11 **SECTION 1087.** 23.85 of the statutes is amended to read:

12 **23.85 Statement to county board; payment to state.** Every county
13 treasurer shall, on the first day of the annual meeting of the county board of
14 supervisors, submit to it a verified statement of all forfeitures, penalty assessments,
15 law enforcement training fund assessments, jail assessments, weapons
16 assessments, environmental assessments, wild animal protection assessments,
17 natural resources assessments, fishing shelter removal assessments, snowmobile
18 registration restitution payments, and natural resources restitution payments
19 money received during the previous year. The county clerk shall deduct all expenses
20 incurred by the county in recovering those forfeitures, penalty assessments, law
21 enforcement training fund assessments, weapons assessments, environmental
22 assessments, wild animal protection assessments, natural resources assessments,
23 fishing shelter removal assessments, snowmobile registration restitution payments,
24 and natural resources restitution payments from the aggregate amount so received,
25 and shall immediately certify the amount of clear proceeds of those forfeitures,

SENATE BILL 55**SECTION 1087**

1 penalty assessments, law enforcement training fund assessments, weapons
2 assessments, environmental assessments, wild animal protection assessments,
3 natural resources assessments, fishing shelter removal assessments, snowmobile
4 registration restitution payments, and natural resources restitution payments to the
5 county treasurer, who shall pay the proceeds to the state treasurer as provided in s.
6 59.25 (3). Jail assessments shall be treated separately as provided in s. 302.46.

7 **SECTION 1088.** 24.60 (1v) of the statutes is created to read:

8 24.60 (1v) Federated public library system means a federated public library
9 system whose territory lies within 2 or more counties.

10 **SECTION 1089.** 24.61 (3) (a) 11. of the statutes is created to read:

11 24.61 (3) (a) 11. A federated public library system, as provided under s. 43.17
12 (9) (b) or otherwise authorized by law.

13 **SECTION 1090.** 24.61 (3) (b) of the statutes is amended to read:

14 24.61 (3) (b) *Terms; conditions.* A municipality ~~or~~, cooperative educational
15 service agency, or federated public library system may obtain a state trust fund loan
16 for the sum of money, for the time and upon the conditions as may be agreed upon
17 between the board and the borrower, subject to the limitations, restrictions, and
18 conditions set forth in this subchapter.

19 **SECTION 1091.** 24.63 (2r) of the statutes is created to read:

20 24.63 (2r) **FEDERATED PUBLIC LIBRARY SYSTEM LOANS.** A state trust fund loan to
21 a federated public library system may be made for any term, not exceeding 20 years,
22 that is agreed upon between the federated public library system and the board and
23 may be made for a total amount that, together with all other indebtedness of the
24 federated public library system, does not exceed the federated public library system's
25 allowable indebtedness under s. 43.17 (9) (b).

SENATE BILL 55**SECTION 1092**

1 **SECTION 1092.** 24.66 (3) (b) of the statutes is amended to read:

2 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
3 for a loan, the required repayment of which exceeds 10 years, shall be approved and
4 authorized for a unified school district by a majority vote of the members of the school
5 board at a regular or special meeting of the school board. Every vote so required shall
6 be by ayes and noes duly recorded. In addition, the application shall be approved for
7 a unified school district by a majority vote of the electors of the school district at a
8 ~~special election~~ referendum as provided under sub. (4) (b).

9 **SECTION 1093.** 24.66 (3v) of the statutes is created to read:

10 24.66 (3v) FOR FEDERATED PUBLIC LIBRARY SYSTEMS. An application for a loan by
11 a federated public library system shall be accompanied by a certified copy of a
12 resolution of the board of the federated public library system approving the loan.

13 **SECTION 1094.** 24.66 (4) of the statutes is renumbered 24.66 (4) (a) and
14 amended to read:

15 24.66 (4) (a) If any municipality other than a school district is not empowered
16 by law to incur indebtedness for a particular purpose without first submitting the
17 question to its electors, the application for a state trust fund loan for that purpose
18 must be approved and authorized by a majority vote of the electors at a special
19 election called, noticed and held in the manner provided for other special elections.
20 The question to be voted on shall be filed as provided in s. 8.37. The notice of the
21 election shall state the amount of the proposed loan and the purpose for which it will
22 be used.

23 **SECTION 1095.** 24.66 (4) (b) of the statutes is created to read:

24 24.66 (4) (b) If any school district is not empowered by law to incur
25 indebtedness for a particular purpose without first submitting the question to its

SENATE BILL 55**SECTION 1095**

1 electors, the application for a state trust fund loan for that purpose must be approved
2 and authorized by a majority vote of the electors at the next regularly scheduled
3 spring election or general election that occurs not sooner than 42 days after the filing
4 of the resolution under sub. (5) or at a special election held on the Tuesday after the
5 first Monday in November in an odd-numbered year if that date occurs not sooner
6 than 42 days after the filing of the resolution under sub. (5). The referendum shall
7 be called, noticed, and held in the manner provided for other referenda. The notice
8 of the referendum shall state the amount of the proposed loan and the purpose for
9 which it will be used.

10 **SECTION 1096.** 24.67 (1) (intro.) of the statutes is amended to read:

11 24.67 (1) (intro.) If the board approves the application, it shall cause
12 certificates of indebtedness to be prepared in proper form and transmitted to the
13 municipality ~~or~~, cooperative educational service agency, or federated public library
14 system submitting the application. The certificate of indebtedness shall be executed
15 and signed:

16 **SECTION 1097.** 24.67 (1) (m) of the statutes is created to read:

17 24.67 (1) (m) For a federated public library system, by its president.

18 **SECTION 1098.** 24.67 (2) (h) of the statutes is created to read:

19 24.67 (2) (h) For a federated public library system, by a member of the
20 federated public library system board designated by that board who is not the
21 president of that board.

22 **SECTION 1099.** 24.67 (3) of the statutes is amended to read:

23 24.67 (3) If a municipality has acted under subs. (1) and (2), it shall certify that
24 fact to the department of administration. Upon receiving a certification from a
25 municipality, or upon direction of the board if a loan is made to a cooperative

SENATE BILL 55**SECTION 1099**

1 educational service agency or a federated public library system, the secretary of
2 administration shall draw a warrant upon the state treasurer for the amount of the
3 loan, payable to the treasurer of the municipality ~~or~~, cooperative educational service
4 agency, or federated public library system making the loan or as the treasurer of the
5 municipality ~~or~~, cooperative educational service agency, or federated public library
6 system directs. The certificate of indebtedness shall then be conclusive evidence of
7 the validity of the indebtedness and that all the requirements of law concerning the
8 application for the making and acceptance of the loan have been complied with.

9 **SECTION 1100.** 24.70 (1) of the statutes is amended to read:

10 24.70 (1) APPLICABILITY. This section applies to all outstanding state trust fund
11 loans to borrowers other than school districts and federated public library systems.

12 **SECTION 1101.** 24.715 of the statutes is created to read:

13 **24.715 Collections from federated public library systems. (1)**
14 APPLICABILITY. This section applies to all outstanding trust fund loans to federated
15 public library systems.

16 **(2) CERTIFIED STATEMENT.** If a federated public library system has a state trust
17 fund loan, the board shall transmit to the system board a certified statement of the
18 amount due on or before October 1 of each year until the loan is paid. The board shall
19 furnish a copy of each certified statement to the state treasurer and the department
20 of public instruction.

21 **(3) PAYMENT TO STATE TREASURER.** The system board shall transmit to the state
22 treasurer on its own order the full amount levied for state trust fund loans within 15
23 days after March 15. The state treasurer shall notify the board when he or she
24 receives payment. Any payment not made by March 30 is delinquent and is subject

SENATE BILL 55**SECTION 1101**

1 to a penalty of one percent per month or fraction thereof, to be paid to the state
2 treasurer with the delinquent payment.

3 (4) FAILURE TO MAKE PAYMENT. If the system board fails to remit the amounts
4 due under sub. (3), the state superintendent, upon certification of delinquency by the
5 board, shall deduct the amount due including any penalty from any aid payments
6 due the system, shall remit such amount to the state treasurer and, no later than
7 June 15, shall notify the system board and the board to that effect.

8 **SECTION 1102.** 25.14 (1) (a) 15. of the statutes is created to read:

9 25.14 (1) (a) 15. The permanent endowment fund.

10 **SECTION 1103.** 25.15 (2) (intro.) of the statutes is amended to read:

11 25.15 (2) STANDARD OF RESPONSIBILITY. (intro.) The Except as provided in s.
12 25.18 (1) (p), the standard of responsibility applied to the board when it invests
13 money or property shall be all of the following:

14 **SECTION 1104.** 25.17 (1) (ag) of the statutes is created to read:

15 25.17 (1) (ag) Agricultural producer security fund (s. 25.463);

16 **SECTION 1105.** 25.17 (1) (ee) of the statutes is repealed.

17 **SECTION 1106.** 25.17 (1) (eq) of the statutes is created to read:

18 25.17 (1) (eq) Farm rewiring fund (s. 25.98);

19 **SECTION 1107.** 25.17 (1) (f) of the statutes is repealed.

20 **SECTION 1108.** 25.17 (1) (jv) of the statutes is created to read:

21 25.17 (1) (jv) Medical assistance trust fund (s. 25.77);

22 **SECTION 1109.** 25.17 (1) (kr) of the statutes is created to read:

23 25.17 (1) (kr) Permanent endowment fund (s. 25.69);

24 **SECTION 1110.** 25.17 (1) (te) of the statutes is created to read:

25 25.17 (1) (te) Tax relief fund (s. 25.63);

SENATE BILL 55**SECTION 1111**

1 **SECTION 1111.** 25.17 (16) of the statutes is created to read:

2 25.17 (16) (a) Annually, after June 1 but not later than June 15, beginning in
3 2004, calculate the amount of moneys that are available in the permanent
4 endowment fund for transfer to the general fund under s. 16.519. For the purpose
5 of this calculation, moneys that are available in the permanent endowment fund for
6 transfer to the general fund shall equal the sum of the following:

7 1. An amount that equals 8.5% of the market value of the investments in the
8 permanent endowment fund on June 1. For the purpose of making the calculation
9 under this subdivision, the board shall not include any amounts or investments
10 specified in subds. 2. and 3.

11 2. All proceeds of, and investment earnings on, investments of the permanent
12 endowment fund made at the direction of the secretary of administration under s.
13 25.18 (1) (p) that are received in the fiscal year.

14 3. All other amounts identified by the secretary of administration as payments
15 of residual interests to the state from the sale of the state's right to receive payments
16 under the Attorneys General Master Tobacco Settlement Agreement of November
17 23, 1998, that are received in the fiscal year.

18 (b) Annually, beginning in 2004, submit to the secretary of administration and
19 to the chief clerk of each house, for distribution to the appropriate standing
20 committees under s. 13.172 (3), a report specifying the amount of moneys that are
21 available in the permanent endowment fund for transfer to the general fund under
22 s. 16.519.

23 **SECTION 1112.** 25.18 (1) (o) of the statutes is created to read:

24 25.18 (1) (o) Invest any of the assets of the permanent endowment fund in any
25 investment that is an authorized investment for assets in the fixed retirement

SENATE BILL 55**SECTION 1112**

1 investment trust under s. 25.17 (4) or assets in the variable retirement investment
2 trust under s. 25.17 (5).

3 **SECTION 1113.** 25.18 (1) (p) of the statutes is created to read:

4 25.18 (1) (p) 1. If directed by the secretary of administration, invest any of the
5 assets in the permanent endowment fund in any of the following:

6 a. Evidences of indebtedness, including subordinated obligations, that are
7 secured by tobacco settlement revenues, as defined in s. 16.63 (1) (c), and that are
8 issued by a corporation or company established under s. 16.63 (3) or 231.215 or by
9 the Wisconsin health and educational facilities authority.

10 b. Certificates or other evidences of ownership interest in all or any portion of
11 tobacco settlement revenues, as defined in s. 16.63 (1) (c).

12 2. If directed by the secretary of administration to make the investments under
13 subd. 1., the board shall invest the assets under that subdivision subject to any terms
14 and conditions specified by the secretary and shall not be subject to the standard of
15 responsibility under s. 25.15 (2).

16 **SECTION 1114.** 25.29 (3) (intro.) of the statutes is renumbered 25.29 (3) and
17 amended to read:

18 25.29 (3) Funds accruing to the conservation fund from license fees paid by
19 hunters and from sport and recreation fishing license fees shall not be diverted for
20 any other purpose than those provided by the department, except: the
21 administration of the department when it is exercising its responsibilities that are
22 specific to the management of the fish and wildlife resources of this state.

23 **SECTION 1115.** 25.29 (3) (a) of the statutes is repealed.

24 **SECTION 1116.** 25.29 (3) (b) of the statutes is repealed.

25 **SECTION 1117.** 25.29 (3) (c) of the statutes is repealed.

SENATE BILL 55**SECTION 1118**

1 **SECTION 1118.** 25.29 (4m) of the statutes is amended to read:

2 25.29 (4m) ~~Notwithstanding sub. (3), no~~ No moneys that accrue to the state for
3 or in behalf of the department under ch. 29 may be expended or paid for the
4 enforcement of the treaty-based, off-reservation rights to fish held by members of
5 federally recognized American Indian tribes or bands domiciled in Wisconsin.

6 **SECTION 1119.** 25.29 (6) of the statutes is amended to read:

7 25.29 (6) All moneys received from the United States for fire prevention and
8 control, forest planting, and other forestry activities, ~~and~~ for wildlife restoration
9 projects and fish restoration and management projects, ~~and~~ for other purposes, ~~and~~
10 ~~as provided in s. 29.037~~, shall be devoted to the purposes for which these moneys are
11 received.

12 **SECTION 1120.** 25.36 (1) of the statutes is amended to read:

13 25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred
14 by law shall constitute the veterans trust fund which shall be used for the veterans
15 programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (w), (z), ~~and (zm)~~, ~~45.01~~
16 ~~45.014~~, 45.25, 45.351 (1), 45.353, 45.356, 45.357, 45.396, 45.397, ~~and 45.43 (7)~~ and
17 administered by the department of veterans affairs, including all moneys received
18 from the federal government for the benefit of veterans or their dependents; all
19 moneys paid as interest on and repayment of loans under the post-war
20 rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they
21 existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans
22 under this fund; all moneys paid as expenses for, interest on, ~~and~~ repayment of
23 veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid
24 as expenses for, interest on, ~~and~~ repayment of veterans personal loans; the net
25 proceeds from the sale of mortgaged properties related to veterans personal loans;

SENATE BILL 55**SECTION 1120**

1 all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond
2 issuance purchased with moneys in the veterans trust fund; all moneys received from
3 the state investment board under s. 45.356 (9) (b); all moneys received from the
4 veterans mortgage loan repayment fund under s. 45.79 (7) (a) and (c); and all gifts
5 of money received by the board of veterans affairs for the purposes of this fund.

6 **SECTION 1121.** 25.40 (1) (a) 4m. of the statutes is created to read:

7 25.40 (1) (a) 4m. Moneys received from telecommunications providers or cable
8 telecommunications service providers that are deposited in the general fund and
9 credited to the appropriation account under s. 20.395 (3) (jh).

10 **SECTION 1122.** 25.40 (1) (a) 21. of the statutes is created to read:

11 25.40 (1) (a) 21. Moneys received as payment for losses of and damage to state
12 property for costs associated with repair or replacement of such property that are
13 deposited in the general fund and credited to the appropriation account under s.
14 20.395 (3) (jj).

15 **SECTION 1123.** 25.40 (1) (cd) of the statutes is created to read:

16 25.40 (1) (cd) Taxes on the sale and use of noncommercial aircraft under ch. 77
17 as determined under s. 77.65.

18 **SECTION 1124.** 25.44 of the statutes is repealed.

19 **SECTION 1125.** 25.46 (1k) of the statutes is created to read:

20 25.46 (1k) The moneys transferred under s. 20.505 (8) (hm) 20.

21 **SECTION 1126.** 25.46 (1m) of the statutes is repealed.

22 **SECTION 1127.** 25.46 (20) of the statutes is created to read:

23 25.46 (20) All moneys received in settlement of actions initiated under 42 USC
24 9601 to 9675 for environmental management.

25 **SECTION 1128.** 25.463 of the statutes is created to read:

SENATE BILL 55**SECTION 1128**

1 **25.463 Agricultural producer security fund.** There is established a
2 separate nonlapsible trust fund designated as the agricultural producer security
3 fund, to consist of all fees, surcharges, assessments, reimbursements, and proceeds
4 of surety bonds received by the department of agriculture, trade and consumer
5 protection under ch. 126.

6 **SECTION 1129.** 25.47 (7) of the statutes is created to read:

7 **25.47 (7)** The fees imposed under s. 101.09 (3) (d).

8 **SECTION 1130.** 25.50 (3) (b) of the statutes is amended to read:

9 **25.50 (3) (b)** On the dates specified and to the extent to which they are
10 available, subject to s. 16.53 (10), funds payable to local governments under ss. 79.03,
11 79.04, 79.05, 79.058, 79.06, 79.065, 79.08, and 79.10 shall be considered local funds
12 and, pursuant to the instructions of local officials, may be paid into the separate
13 accounts of all local governments established in the local government
14 pooled-investment fund and, pursuant to the instructions of local officials, to the
15 extent to which they are available, be disbursed or invested.

16 **SECTION 1131.** 25.60 of the statutes is repealed and recreated to read:

17 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
18 trust fund designated as the budget stabilization fund, consisting of moneys
19 transferred to the fund from the general fund under s. 16.518 (3).

20 **SECTION 1132.** 25.61 of the statutes is amended to read:

21 **25.61 VendorNet fund.** There is created a separate nonlapsible trust fund
22 designated as the VendorNet fund consisting of all revenues accruing to the state
23 from fees assessed under s. ss. 16.701 and 16.702 (1) and from gifts, grants, and
24 bequests made for the purposes of ~~s.~~ ss. 16.701 and 16.702 (1) and moneys transferred
25 to the fund from other funds.

SENATE BILL 55**SECTION 1133**

1 **SECTION 1133.** 25.63 of the statutes is created to read:

2 **25.63 Tax relief fund.** There is created a separate nonlapsible trust fund
3 designated as the tax relief fund, consisting of moneys transferred to the fund from
4 the general fund under s. 16.518 (4).

5 **SECTION 1134.** 25.66 (1) of the statutes is renumbered 25.66 (1) (intro.) and
6 amended to read:

7 25.66 (1) (intro.) There is created a separate nonlapsible trust fund, known as
8 the tobacco control fund, to consist of, ~~in fiscal year 1999-2000~~, the following:

9 (a) The first \$23,500,000 of the moneys received in fiscal year 1999-2000 under
10 the Attorneys General Master Tobacco Settlement Agreement of
11 November 23, 1998.

12 **SECTION 1135.** 25.66 (1) (b) of the statutes is created to read:

13 25.66 (1) (b) Except as provided in sub. (1m) (a), the first \$12,006,400 of the
14 moneys received in fiscal year 2001-02 under the Attorneys General Master Tobacco
15 Settlement Agreement of November 23, 1998.

16 **SECTION 1136.** 25.66 (1) (c) of the statutes is created to read:

17 25.66 (1) (c) Except as provided in sub. (1m) (b), the first \$21,169,200 of the
18 moneys received in fiscal year 2002-03 under the Attorneys General Master Tobacco
19 Settlement Agreement of November 23, 1998.

20 **SECTION 1137.** 25.66 (1m) of the statutes is created to read:

21 25.66 (1m) (a) If the state has not received in fiscal year 2001-02 at least
22 \$12,006,400 under the Attorneys General Master Tobacco Settlement Agreement of
23 November 23, 1998, because the secretary of administration, under s. 16.63, has sold
24 the state's right to receive payments under the Agreement, the tobacco control fund

SENATE BILL 55**SECTION 1137**

1 shall also consist of any moneys transferred to the tobacco control fund from the
2 general fund under s. 16.519 (3).

3 (b) If the state has not received in fiscal year 2002-03 at least \$21,169,200
4 under the Attorneys General Master Tobacco Settlement Agreement of
5 November 23, 1998, because the secretary of administration, under s. 16.63, has sold
6 the state's right to receive payments under the Agreement, the tobacco control fund
7 shall also consist of any moneys transferred to the tobacco control fund from the
8 general fund under s. 16.519 (4).

9 **SECTION 1138.** 25.67 (2) (b) of the statutes is amended to read:

10 25.67 (2) (b) All moneys in the fund that are not ~~appropriated under s. 20.433~~
11 ~~(1) (r) or~~ expended under s. 20.433 (1) (q) shall continue to accumulate indefinitely.

12 **SECTION 1139.** 25.68 (4) of the statutes is created to read:

13 25.68 (4) All moneys received from the department of revenue under s. 49.855
14 that were withheld for delinquent child support, family support, or maintenance or
15 outstanding court-ordered amounts for past support, medical expenses, or birth
16 expenses.

17 **SECTION 1140.** 25.69 of the statutes is created to read:

18 **25.69 Permanent endowment fund.** There is established a separate
19 nonlapsible trust fund designated as the permanent endowment fund, consisting of
20 all of the proceeds from the sale of the state's right to receive payments under the
21 Attorneys General Master Tobacco Settlement Agreement of November 23, 1998,
22 and all investment earnings on the proceeds. Moneys in the permanent endowment
23 fund shall be used only to make the transfers under s. 20.855 (4) (rc), (rh), (rp), and
24 (rv).

SENATE BILL 55**SECTION 1141**

1 **SECTION 1141.** 25.69 of the statutes, as created by 2001 Wisconsin Act (this
2 act), is amended to read:

3 **25.69 Permanent endowment fund.** There is established a separate
4 nonlapsible trust fund designated as the permanent endowment fund, consisting of
5 all of the proceeds from the sale of the state's right to receive payments under the
6 Attorneys General Master Tobacco Settlement Agreement of November 23, 1998,
7 and all investment earnings on the proceeds. Moneys in the permanent endowment
8 fund shall be used only to make the transfers under s. 20.855 (4) ~~(re)~~, ~~(rh)~~, ~~(rp)~~, and
9 ~~(rv)~~.

10 **SECTION 1142.** 25.73 (2) of the statutes is amended to read:

11 25.73 (2) All moneys transferred to the fund under s. 20.245 (4) (1) (s).

12 **SECTION 1143.** 25.77 of the statutes is created to read:

13 **25.77 Medical assistance trust fund.** There is created a separate
14 nonlapsible trust fund designated as the medical assistance trust fund, consisting
15 of all of the following:

16 (1) All federal moneys received, including moneys that the department of
17 health and family services may transfer from the appropriation under s. 20.435 (4)
18 (o), that are related to payments under s. 49.45 (6m) and are based on public funds
19 that are transferred or certified under 42 CFR 433.51 (b) and used as the non-federal
20 share of medical assistance funding.

21 (2) All public funds that are related to payments under s. 49.45 (6m) and that
22 are transferred or certified under 42 CFR 433.51 (b) and used as the non-federal and
23 federal share of medical assistance funding.

24 **SECTION 1144.** 25.80 of the statutes is amended to read:

SENATE BILL 55**SECTION 1144**

1 **25.80 Tuition trust fund.** There is established a separate nonlapsible trust
2 fund designated as the tuition trust fund, consisting of all revenue from enrollment
3 fees and the sale of tuition units under s. 14.63, from enrollment fees for and
4 contributions to college savings accounts under s. 14.64, and from distributions and
5 fees paid by the vendor under s. 16.255 (2).

6 **SECTION 1145.** 25.90 of the statutes is repealed.

7 **SECTION 1146.** 25.98 of the statutes is created to read:

8 **25.98 Farm rewiring fund.** There is established a separate nonlapsible trust
9 fund designated as the farm rewiring fund, consisting of all moneys received under
10 s. 196.374 (3m).

11 **SECTION 1147.** 26.08 (2) (bn) of the statutes is created to read:

12 26.08 (2) (bn) The department may lease state park land located within the
13 boundaries of the Wisconsin Dells natural area for terms not exceeding 30 years.

14 **SECTION 1148.** 26.11 (7) (a) of the statutes is amended to read:

15 26.11 (7) (a) Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered
16 balances in the appropriation accounts under s. 20.370 (1) (cs) and (mz) exceeds
17 \$500,000 \$1,000,000 on June 30 of any fiscal year, the amount in excess of \$500,000
18 \$1,000,000 shall lapse from the appropriation account under s. 20.370 (1) (cs) to the
19 conservation fund, except as provided in par. (b).

20 **SECTION 1149.** 26.145 (1) of the statutes is amended to read:

21 26.145 (1) GRANTS. The department shall establish a program to award grants
22 for up to 50% of the cost of acquiring fire resistant clothing for suppressing fires and,
23 of acquiring fire suppression supplies, equipment, and vehicles, of acquiring fire
24 prevention materials, and of training fire fighters in forest fire suppression
25 techniques.

SENATE BILL 55**SECTION 1150**

1 **SECTION 1150.** 27.01 (7) (f) 1. of the statutes is amended to read:

2 27.01 (7) (f) 1. Except as provided in par. (gm), the fee for an annual vehicle
3 admission receipt is ~~\$17.50~~ \$19.50 for each vehicle ~~which~~ that has Wisconsin
4 registration plates, except that no fee is charged for a receipt issued under s. 29.235
5 (6).

6 **SECTION 1151.** 27.01 (7) (g) 1. of the statutes is amended to read:

7 27.01 (7) (g) 1. Except as provided in par. (gm), the fee for an annual vehicle
8 admission receipt is ~~\$24.50~~ \$29.50 for any vehicle ~~which~~ that has a registration plate
9 or plates from another state, except that no fee is charged for a receipt issued under
10 s. 29.235 (6).

11 **SECTION 1152.** 27.01 (7) (g) 2. of the statutes is amended to read:

12 27.01 (7) (g) 2. Except as provided in subds. 3. and 4., the fee for a daily vehicle
13 admission receipt for any vehicle ~~which~~ that has a registration plate or plates from
14 another state is ~~\$6.85~~ \$9.85.

15 **SECTION 1153.** 27.01 (7) (gm) 1. of the statutes is amended to read:

16 27.01 (7) (gm) 1. Instead of the fees under pars. (f) 1. and (g) 1., the department
17 shall charge an individual ~~\$8.50~~ \$9.50 or ~~\$12~~ \$14.50, respectively, for an annual
18 vehicle admission receipt if the individual applying for the receipt or a member of his
19 or her household owns a vehicle for which a current annual vehicle admission receipt
20 has been issued for the applicable fee under par. (f) 1. or (g) 1.

21 **SECTION 1154.** 29.001 (20) of the statutes is created to read:

22 29.001 (20) "Deer" means white-tailed deer and does not include farm-raised
23 deer.

24 **SECTION 1155.** 29.001 (22) of the statutes is created to read:

SENATE BILL 55**SECTION 1155**

1 29.001 (22) “Elk” means elk that is present in the wild and that does not have
2 an ear tag or other mark identifying it as being raised on a farm.

3 **SECTION 1156.** 29.001 (36) of the statutes is amended to read:

4 29.001 (36) “Game animals” ~~includes~~ means deer, moose, elk, bear, rabbits,
5 squirrels, fox ~~and~~, raccoon, and any other wild animals specified by the department.

6 **SECTION 1157.** 29.024 (4) (b) of the statutes is amended to read:

7 29.024 (4) (b) *Name; description; signature.* Each license or permit issued shall
8 contain the name and address of the holder, a description of the holder and other
9 information required by the department. Each license or permit shall, if required by
10 the department under sub. (5) (a) 1., bear upon its face the signature of the holder
11 and the date of issuance ~~and shall be signed by the issuing agent.~~ Each stamp shall,
12 if required by the department under sub. (5) (a) 1., bear upon its face the signature
13 of the holder. The department may apply any of the requirements of this subsection
14 to other forms or approvals.

15 **SECTION 1158.** 29.024 (9) of the statutes is amended to read:

16 29.024 (9) TAGS. The department shall ~~provide all tags required under this~~
17 ~~chapter and shall specify their~~ specify the form and numbering of all tags required
18 under this chapter.

19 **SECTION 1159.** 29.037 of the statutes is amended to read:

20 **29.037 Fish and wildlife restoration.** This state assents to the provisions
21 of the acts of congress entitled “An act to provide that the United States shall aid the
22 states in wildlife restoration projects, and for other purposes,” approved
23 September 2, 1937 (Public Law No. 415, 75th Congress), and “An act to provide that
24 the United States shall aid the states in fish restoration management projects, and
25 for other purposes,” approved August 9, 1950 (Public Law No. 681, 81st Congress)

SENATE BILL 55**SECTION 1159**

1 16 USC 669 to 669i and 777 to 777L. The department is authorized and directed to
2 perform any acts necessary to establish ~~cooperative-wildlife~~ cooperative wildlife
3 restoration projects and cooperative fish restoration and management projects, as
4 ~~defined in the acts of congress,~~ in compliance with ~~the acts~~ these federal provisions
5 and with regulations promulgated by the secretary of the interior. No funds accruing
6 to this state from license fees paid by hunters and from sport and recreation fishing
7 license fees may be diverted for any other purpose than ~~those provided by the~~
8 ~~department~~ the administration of the department when it is exercising its
9 responsibilities that are specific to the management of the fish and wildlife resources
10 of this state.

11 **SECTION 1160.** 29.038 (1) (a) of the statutes is amended to read:

12 29.038 (1) (a) "Local governmental unit" has the meaning given in s. ~~16.97~~
13 22.01 (7).

14 **SECTION 1161.** 29.047 (1m) of the statutes is amended to read:

15 29.047 (1m) Unless prohibited by the laws of an adjoining state, any person
16 who has lawfully killed a deer or an elk in this state may take the deer or elk or its
17 carcass into the adjoining state and ship the deer or elk or carcass from any point in
18 the adjoining state to any point in this state.

19 **SECTION 1162.** 29.089 (3) of the statutes is amended to read:

20 29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state
21 park, or in a portion of a state park, if the department has authorized by rule the
22 hunting of that type of game in the state park, or in the portion of the state park, and
23 if the person holds the approvals required under this chapter for hunting that type
24 of game.

25 **SECTION 1163.** 29.161 of the statutes is amended to read:

SENATE BILL 55**SECTION 1163**

1 **29.161 Resident small game hunting license.** A resident small game
2 hunting license shall be issued subject to s. 29.024 by the department to any resident
3 applying for this license. The resident small game hunting license does not authorize
4 the hunting of bear, deer, elk, or wild turkey.

5 **SECTION 1164.** 29.171 (2) of the statutes is amended to read:

6 29.171 (2) A resident archer hunting license authorizes the hunting of all
7 game, except bear, elk, and wild turkey, during the open seasons for hunting that
8 game with bow and arrow established by the department. This license authorizes
9 hunting with a bow and arrow only, unless hunting with a crossbow is authorized by
10 a Class A, Class B, or Class C permit issued under s. 29.193 (2) or a permit issued
11 under sub. (4).

12 **SECTION 1165.** 29.182 of the statutes is created to read:

13 **29.182 Elk hunting licenses. (1) DEPARTMENT AUTHORITY.** The department
14 may issue elk hunting licenses and may limit the number of elk hunters and elk
15 harvested in any area of the state. The department may establish by rule closed
16 zones where elk hunting is prohibited.

17 **(2) APPLICATION.** A person who applies for an elk hunting license under this
18 section shall pay the processing fee under s. 29.553 at the time of application.

19 **(3) AUTHORIZATION. (a) Resident elk hunting license.** A resident elk hunting
20 license authorizes a resident of this state to hunt elk with a firearm or bow and arrow,
21 or with a crossbow, if the resident has a Class A, Class B, or Class C permit issued
22 under s. 29.193 (2) that authorizes hunting with a crossbow, or if the resident has a
23 crossbow permit issued under s. 29.171 (4) (a).

SENATE BILL 55**SECTION 1165**

1 (b) *Nonresident elk hunting license.* A nonresident elk hunting license
2 authorizes a nonresident of this state to hunt elk with a firearm or with a bow and
3 arrow.

4 **(4) ISSUANCE.** (a) Except as provided in pars. (b), (c), and (d), if the department
5 issues elk hunting licenses, the department shall issue a resident or nonresident elk
6 hunting license to any person who applies for such a license, and who pays the fees
7 required for the license, subject to s. 29.024 (2g).

8 (b) If the number of applicants for resident elk hunting licenses exceeds the
9 number of resident elk hunting licenses available, the department shall select at
10 random the residents to be issued the licenses. If the number of applicants for
11 nonresident elk hunting licenses exceeds the number of nonresident elk hunting
12 licenses available, the department shall select at random the nonresidents to be
13 issued the licenses. The department may make available only to residents up to 99%
14 of all elk hunting licenses that are available in a given year.

15 (c) The department shall issue a notice of approval to each person who is
16 selected at random under par. (b) to be issued an elk hunting license. The
17 department shall issue a license to each person who receives a notice of approval
18 under this paragraph and who pays the fees required for the license, subject to s.
19 29.024 (2g).

20 (d) A person may be issued only one elk hunting license in his or her lifetime,
21 and the elk hunting license shall be valid for only one elk hunting season.

22 **(5) FEES.** Fees received from the issuance of licenses under this section shall
23 be credited to the appropriation account under s. 20.370 (1) (hq).

24 **(6) CARCASS TAG.** The department shall issue an elk carcass tag to each person
25 who is issued an elk hunting license under this section.

SENATE BILL 55**SECTION 1165**

1 **(7) BACK TAG.** (a) The department shall issue a back tag to each person who
2 is issued an elk hunting license under this section.

3 (b) No person may hunt elk unless there is attached to the center of the person's
4 coat, shirt, jacket, or similar outermost garment where it can be clearly seen, the
5 back tag issued to the person under par. (a).

6 **SECTION 1166.** 29.204 of the statutes is amended to read:

7 **29.204 Nonresident annual small game hunting license.** A nonresident
8 annual small game hunting license shall be issued subject to s. 29.024 by the
9 department to any nonresident applying for this license. The nonresident annual
10 small game hunting license authorizes the hunting of small game during the
11 appropriate open season but does not authorize the hunting of deer, elk, bear, wild
12 turkey, or fur-bearing animals.

13 **SECTION 1167.** 29.207 of the statutes is amended to read:

14 **29.207 Nonresident 5-day small game hunting license.** A nonresident
15 5-day small game hunting license shall be issued subject to s. 29.024 by the
16 department to any nonresident applying for this license. The nonresident 5-day
17 small game hunting license authorizes the hunting of small game for which there is
18 an open season during the 5-day period for which it is issued but does not authorize
19 the hunting of deer, elk, bear, wild turkey, or fur-bearing animals.

20 **SECTION 1168.** 29.213 of the statutes is amended to read:

21 **29.213 Nonresident fur-bearing animal hunting license.** A nonresident
22 fur-bearing animal hunting license shall be issued subject to s. 29.024 by the
23 department to any nonresident applying for this license. The nonresident
24 fur-bearing animal hunting license authorizes the hunting of skunk, raccoon, fox,
25 weasel, opossum, coyote, bobcat and cougar during the appropriate open season but

SENATE BILL 55**SECTION 1168**

1 does not authorize the hunting of other fur-bearing animals, other small game, deer,
2 elk, or bear.

3 **SECTION 1169.** 29.216 (2) of the statutes is amended to read:

4 29.216 (2) AUTHORIZATION. The nonresident archer hunting license authorizes
5 the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals,
6 during the open season for the hunting of that game with a bow and arrow. This
7 license authorizes hunting with a bow and arrow only unless hunting with a
8 crossbow is authorized by a Class A, Class B, or Class C permit issued under s.
9 29.193 (2).

10 **SECTION 1170.** 29.314 (3) (title) of the statutes is amended to read:

11 29.314 (3) (title) SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING
12 WEAPONS PROHIBITED.

13 **SECTION 1171.** 29.314 (3) (a) of the statutes is amended to read:

14 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
15 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
16 possession of a firearm, bow and arrow, or crossbow.

17 **SECTION 1172.** 29.347 (title) of the statutes is amended to read:

18 **29.347 (title) Possession of deer and elk; heads and skins.**

19 **SECTION 1173.** 29.347 (2) of the statutes is amended to read:

20 29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.
21 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler
22 of the deer a current validated deer carcass tag which is authorized for use on the
23 type of deer killed. Any person who kills an elk shall immediately attach to the ear
24 or antler of the elk a current validated elk carcass tag. Except as provided under sub.
25 (2m) or s. 29.871 (7), (8), or (14) or 29.89 (6), no person may possess, control, store,

SENATE BILL 55**SECTION 1173**

1 or transport a deer carcass unless it is tagged as required under this subsection.
2 Except as provided under sub. (2m), no person may possess, control, store, or
3 transport an elk carcass unless it is tagged as required under this subsection. A
4 person who kills a deer or elk shall register the deer or elk in the manner required
5 by the department. The carcass tag may not be removed before registration. The
6 removal of a carcass tag from a deer or elk before registration renders the deer or elk
7 untagged.

8 **SECTION 1174.** 29.347 (2m) (a) of the statutes is amended to read:

9 29.347 (2m) (a) A deer carcass tag attached under sub. (2) and a registration
10 tag attached by the department or a car kill tag attached under sub. (5) may be
11 removed from a gutted carcass at the time of butchering, but the person who killed
12 or obtained the deer or elk shall retain all tags until the meat is consumed.

13 **SECTION 1175.** 29.347 (2m) (b) of the statutes is amended to read:

14 29.347 (2m) (b) Any person who retains a tag under par. (a) may give deer or
15 elk meat to another person. The person who receives the gift of deer or elk meat is
16 not required to possess a tag.

17 **SECTION 1176.** 29.347 (3) of the statutes is amended to read:

18 29.347 (3) HEADS AND SKINS. The head and skin of any deer or elk lawfully
19 killed, when severed from the rest of the carcass, are not subject to this chapter; but
20 no person shall may have possession or control of the green head or green skin of a
21 deer or elk during the period beginning 30 days after the close of the open deer
22 applicable season and the opening of the succeeding applicable season, ~~or.~~ Unless
23 authorized by the department, no person may at any time have possession or control
24 of a deer or elk head in the velvet, or a deer or elk skin in the red, blue, or spotted coat.

25 **SECTION 1177.** 29.347 (4) of the statutes is amended to read:

SENATE BILL 55**SECTION 1177**

1 29.347 (4) ANTLERS REMOVED OR BROKEN. Any deer ~~taken during an open season~~
2 ~~for hunting antlered deer only or for hunting antlerless deer only~~ from which the
3 antlers have been removed, broken, shed, or altered so as to make determination of
4 the legality of the deer impossible is an illegal deer if the deer is taken during an open
5 season for hunting only antlered deer or during an open season for hunting only
6 antlerless deer. Any elk from which the antlers have been removed, broken, shed,
7 or altered so as to make determination of the legality of the elk impossible is an illegal
8 elk if the elk is taken during an open season for hunting only antlered elk or during
9 an open season for hunting antlerless elk.

10 **SECTION 1178.** 29.347 (6) of the statutes is repealed.

11 **SECTION 1179.** 29.361 (title) of the statutes is amended to read:

12 **29.361** (title) **Transportation of deer or elk.**

13 **SECTION 1180.** 29.361 (1) of the statutes is amended to read:

14 29.361 (1) No common carrier may receive for transportation or transport or
15 attempt to transport any deer or elk or the carcass of any deer or elk except as
16 provided in this section.

17 **SECTION 1181.** 29.361 (2) of the statutes is amended to read:

18 29.361 (2) Any person may transport a lawfully taken deer or elk if it is properly
19 tagged and registered, except as otherwise provided by rule during the open season
20 for deer or elk and for 3 days thereafter.

21 **SECTION 1182.** 29.361 (2m) of the statutes is amended to read:

22 29.361 (2m) Any person may transport an antlerless deer killed under the
23 authority of his or her hunter's choice, bonus, or other deer hunting permit on any
24 highway, as defined s. 340.01 (22), in order to register the deer in the deer

SENATE BILL 55**SECTION 1182**

1 management area where the ~~dear~~ deer was killed or in an adjoining management
2 area.

3 **SECTION 1183.** 29.361 (5) of the statutes is amended to read:

4 29.361 (5) This section does not apply to a person who has a valid taxidermist
5 permit and who is transporting, attempting to transport, or receiving the carcass of
6 a deer or elk in connection with his or her business.

7 **SECTION 1184.** 29.361 (6) of the statutes is repealed.

8 **SECTION 1185.** 29.539 (1) (a) 1. of the statutes is amended to read:

9 29.539 (1) (a) 1. Deer, elk, bear, squirrel, game bird, game fish or the carcass
10 of any of these wild animals at any time.

11 **SECTION 1186.** 29.541 (1) (a) 1. of the statutes is amended to read:

12 29.541 (1) (a) 1. The meat of any deer, elk, bear, squirrel, game bird, or game
13 fish taken from inland waters at any time.

14 **SECTION 1187.** 29.553 (1) (hm) of the statutes is created to read:

15 29.553 (1) (hm) Elk hunting license.

16 **SECTION 1188.** 29.563 (2) (a) 5m. of the statutes is created to read:

17 29.563 (2) (a) 5m. Elk: \$98.25.

18 **SECTION 1189.** 29.563 (2) (b) 3m. of the statutes is created to read:

19 29.563 (2) (b) 3m. Elk: \$498.25.

20 **SECTION 1190.** 29.563 (4) (b) 1. of the statutes is amended to read:

21 29.563 (4) (b) 1. Sports: ~~\$248.25~~ \$238.25 or a greater amount at the applicant's
22 option.

23 **SECTION 1191.** 29.563 (11) (b) 1m. of the statutes is created to read:

24 29.563 (11) (b) 1m. Master hunter education instruction fee: the fee as
25 established by rule.

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1 **SECTION 1192.** 29.563 (12) (a) 5. of the statutes is created to read:

2 29.563 (12) (a) 5. Elk: \$24.25.

3 **SECTION 1193.** 29.563 (12) (c) 2m. of the statutes is created to read:

4 29.563 (12) (c) 2m. Master hunter education course certificate of
5 accomplishment: \$2.

6 **SECTION 1194.** 29.563 (14) (a) 3. of the statutes is created to read:

7 29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses:
8 \$9.75.

9 **SECTION 1195.** 29.563 (14) (c) 3. of the statutes is amended to read:

10 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer
11 hunting permit, elk hunting license, wild turkey hunting license, Canada goose
12 hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping
13 permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25
14 cents.

15 **SECTION 1196.** 29.565 of the statutes is created to read:

16 **29.565 Voluntary contributions; venison processing and grant**
17 **program.** (1) Any applicant for a hunting license listed under s. 29.563 (2) (a) or
18 (b) may, in addition to paying any fee charged for the license, elect to make a
19 voluntary contribution of at least \$1 to be used for the venison processing and
20 donation program under s. 29.89.

21 (2) All moneys collected under sub. (1) shall be credited to the appropriation
22 account under s. 20.370 (5) (ft).

23 **SECTION 1197.** 29.567 of the statutes is created to read:

24 **29.567 Voluntary contributions; elk research.** (1) Any applicant for an
25 elk hunting license under s. 29.182 may, in addition to paying any fee charged for the

SENATE BILL 55**SECTION 1197**

1 license, elect to make a voluntary contribution of at least \$1 to be used for elk
2 research.

3 (2) All moneys collected under sub. (1) shall be credited to the appropriation
4 account under s. 20.370 (1) (hq).

5 **SECTION 1198.** 29.592 of the statutes is created to read:

6 **29.592 Master hunter education program. (1) ESTABLISHMENT; PROGRAM**
7 **REQUIREMENTS.** (a) The department may establish and supervise the administration
8 of a master hunter education program funded from the appropriation under s. 20.370
9 (1) (Lv).

10 (b) The master hunter education program shall provide instruction on topics
11 that include all of the following:

- 12 1. Principles of wildlife management.
- 13 2. Responsibilities of hunters to landowners.
- 14 3. The wildlife damage abatement program and the wildlife damage claim
15 program under s. 29.889.
- 16 4. The provisions concerning the removal of wild animals under s. 29.885.
- 17 5. Hunting ethics and firearms safety.

18 (c) The master hunter education course of instruction shall consist of all of the
19 following components:

- 20 1. Classroom instruction.
- 21 2. Home-study instruction.
- 22 3. Volunteer work for landowners.
- 23 4. Firearm proficiency testing.

24 (2) **ADMINISTRATION.** The department may appoint county, regional, and
25 statewide directors and categories of master hunter education instructors necessary

SENATE BILL 55**SECTION 1198**

1 for the program. These appointees are responsible to the department and shall serve
2 on a voluntary basis without compensation, subject to sub. (3) (b).

3 (3) INSTRUCTION FEE. (a) The department shall establish by rule the fee for the
4 course of instruction under the master hunter education program.

5 (b) An instructor conducting the course of instruction under the master
6 education program shall collect the fee established under par. (a) from each person
7 receiving instruction. The department may authorize an instructor to retain up to
8 50% of the fee as compensation to defray expenses incurred by the instructor
9 conducting the course. The instructor shall remit the remaining portion of the fee
10 or, if nothing is retained, the entire fee to the department.

11 (4) CERTIFICATE OF ACCOMPLISHMENT. (a) The department shall issue a
12 certificate of accomplishment to a person who successfully completes the course of
13 instruction under the master hunter education program and who pays the
14 instruction fee.

15 (b) The department shall issue a duplicate certificate of accomplishment to a
16 person who is entitled to a duplicate certificate of accomplishment and who pays the
17 fee specified under s. 29.563 (12) (c) 2m.

18 **SECTION 1199.** 29.595 of the statutes is created to read:

19 **29.595 Elk hunter education program.** (1) ESTABLISHMENT. The
20 department shall establish and conduct an elk hunter education program.

21 (2) INSTRUCTION. The elk hunter education program shall provide a course of
22 instruction that includes all of the following:

23 (a) History and recovery of elk in this state and the eastern United States.

24 (b) Elk census and population estimation methods used in this state.

25 (c) Elk biology and disease prevention.

SENATE BILL 55**SECTION 1199**

1 (d) Elk hunting techniques and hunter ethics.

2 (e) Elk hunting zones.

3 (f) Rules promulgated by the department concerning elk hunting.

4 (g) Native American hunting.

5 **(3) CERTIFICATE OF ACCOMPLISHMENT.** (a) The department shall issue a
6 certificate of accomplishment to a person who successfully completes the course of
7 instruction under the elk hunter education program.

8 (b) Except as provided in par. (c), no person may be issued an elk hunting license
9 unless he or she holds a valid certificate of accomplishment issued under this
10 subsection.

11 (c) A person may be issued an elk hunting license if the person holds evidence
12 that demonstrates to the satisfaction of the department that he or she has
13 successfully completed in another state or province an elk hunter education course
14 and if the course is recognized by the department under a reciprocity agreement with
15 that state or province.

16 **(4) FEE PROHIBITED.** The department may not charge a fee for the course of
17 instruction or the certificate of accomplishment.

18 **SECTION 1200.** 29.604 (2) (am) of the statutes is amended to read:

19 29.604 **(2)** (am) "State agency" means a board, commission, committee,
20 department or office in the state government or the Fox River Navigational System
21 Authority. "State agency" does not include the department of natural resources or
22 the office of the governor.

23 **SECTION 1201.** 29.607 (3) of the statutes is amended to read:

24 29.607 **(3)** LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD. ~~Every~~
25 No person over the age of 16 and under the age of 65 ~~shall obtain~~ may harvest wild

SENATE BILL 55**SECTION 1201**

1 rice or deal in wild rice unless the person obtains the appropriate wild rice license
2 ~~to harvest or deal in wild rice but~~ except that no license to harvest is required of the
3 members of the immediate family of a licensee or of a ~~recipient of old-age assistance~~
4 ~~or members of their immediate families~~ person who is at least 65 years old. The
5 department, subject to s. 29.024 (2g) and (2r), shall issue a wild rice identification
6 card to each member of a licensee's immediate family, ~~to a recipient of old-age~~
7 ~~assistance and to each member of the recipient's~~ immediate family of a person who
8 is at least 65 years old. The term "immediate family" includes husband and wife and
9 minor children having their abode and domicile with the parent or legal guardian.

10 **SECTION 1202.** 29.733 (3) of the statutes is created to read:

11 29.733 (3) A person may obtain water from a natural body of water that is not
12 part of a fish farm for use in a fish farm if all of the following apply:

13 (a) The water is transferred directly from the natural body of water to the fish
14 farm.

15 (b) Any of the water that is transferred out of the fish farm after use is
16 transferred directly back to the natural body from which it was obtained.

17 (c) The transfer of the water between the natural body of water and the fish
18 farm is achieved by use of a pipe, flume, ditch, or pump or by use of any combination
19 of these items.

20 (d) Any pipe, flume, or ditch that is used is equipped with barriers that prevent
21 the passage of fish between the fish farm and the other waters of the state.

22 **SECTION 1203.** 29.741 (2) of the statutes is amended to read:

23 29.741 (2) No person shall take, remove, sell, or transport from the public
24 waters of this state ~~to any place beyond the borders of the state,~~ any duck potato, wild

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1 celery, or any other plant or plant product except wild rice native in said waters and
2 commonly known to furnish food for game birds.

3 **SECTION 1204.** 29.867 (1) of the statutes is renumbered 29.867 (1g) and
4 amended to read:

5 29.867 (1g) The owner or lessee of lands suitable for the breeding and
6 propagating of game, birds or game animals may, upon complying with this section,
7 establish and maintain a game bird and animal farm for the purpose of breeding,
8 propagating, killing, and selling game birds and game animals. All waterfowl bred,
9 propagated, or held on a game bird and animal farm shall be enclosed within a
10 covered enclosure by the licensee throughout the open season for hunting waterfowl
11 in the state as required by the department.

12 **SECTION 1205.** 29.867 (1b) of the statutes is created to read:

13 29.867 (1b) "Game animal" does not include elk.

14 **SECTION 1206.** 29.867 (2m) of the statutes is amended to read:

15 29.867 (2m) If the applicant is the owner or lessee of the lands land, the land
16 is suitable for the breeding and propagating of game birds and game animals, and
17 the applicant intends in good faith to establish and maintain a game bird and animal
18 farm, the department shall issue a license to the applicant. The license shall describe
19 the ~~lands~~ land and shall authorize the licensee to breed, propagate, kill, and sell the
20 game birds and game animals that are on the ~~lands~~ land described in the license.

21 **SECTION 1207.** 29.867 (3) of the statutes is amended to read:

22 29.867 (3) Upon issuance, subject to s. 29.024 (2g) and (2r), of the license, the
23 department shall appoint one person, the licensee shall appoint one person, and
24 these 2 appointees shall select a 3rd person, to determine as accurately as possible
25 the number of wild game birds and game animals of the desired species on the land

SENATE BILL 55**SECTION 1207**

1 at the time of the issuing of the license. The necessary expenses of these persons shall
2 be paid by the licensee. Within 30 days after the date of the determination as
3 approved by the department, the licensee shall pay to the department a specified sum
4 determined by the department for those species of wild game birds and game animals
5 on the licensed premises that are desired for propagation purposes, the title of which
6 is in the state.

7 **SECTION 1208.** 29.867 (3g) of the statutes is amended to read:

8 29.867 (3g) When the payment under sub. (3g) has been made, the licensee
9 shall become the owner of all game birds or game animals of the species licensed and
10 of all of their offspring actually produced and remaining on the licensed premises,
11 subject to the jurisdiction of the department over all game bird and animals.

12 **SECTION 1209.** 29.867 (5) of the statutes is amended to read:

13 29.867 (5) A game bird and animal farm license is prima facie evidence of the
14 right of the licensee or the licensee's successors or assigns, during the term of the
15 license, to establish and maintain a game bird and animal farm on the licensed
16 premises, and entitles the licensee, or the licensee's successors or assigns, during the
17 term of the license, to the exclusive right to breed and propagate game birds and
18 game animals on the licensed premises, and to the exclusive ownership of game birds
19 and game animals taken on the licensed premises.

20 **SECTION 1210.** 29.867 (6) (a) of the statutes is amended to read:

21 29.867 (6) (a) The game animals and game birds ~~and animals~~, except
22 waterfowl, may be taken at any time in any manner, subject to s. 29.314, by any
23 person who is lawfully entitled to hunt on the licensed premises, except that such a
24 person hunting on the licensed premises is not required to hold a hunting license.
25 Waterfowl may only be taken under rules promulgated by the department governing

SENATE BILL 55**SECTION 1210**

1 the hunting of waterfowl, except that upon written application the department may
2 authorize the taking of hand-reared mallards at any time within the boundaries of
3 a licensed game bird and animal farm in numbers not to exceed those liberated or
4 propagated when the department determines that only mallards liberated or
5 propagated by the licensee will be taken on licensed premises. The applicant shall
6 certify to the department that mallards liberated or propagated for hunting were
7 produced and reared in captivity and are more than 2 generations removed from the
8 wild. Hand-reared mallards may not be released for hunting purposes unless the
9 mallards have first been identified as the department directs. Mallards confined to
10 wholly enclosed pens or buildings may be taken within such pens or buildings at any
11 time and in any numbers.

12 **SECTION 1211.** 29.867 (6) (b) of the statutes is amended to read:

13 29.867 (6) (b) No game bird or game animal or mallards killed on the licensed
14 premises and no live game bird or game animal or mallards to be consumed as food
15 may be removed from the premises until there has been securely fastened to each
16 game bird or game animal a band or tag furnished by the department to the licensee
17 at cost. The band or tag shall remain attached to the game bird or game animal until
18 prepared for consumption. Live game birds and game animals may be sold or
19 transported. Each container carrying such live game birds or game animals shall
20 have attached to it a band or tag furnished by the department. Live game birds or
21 game animals acquired from the licensee to be consumed as food may not be kept
22 alive by any person beyond 48 hours from the time that the game birds or game
23 animals were acquired from the licensee.

24 **SECTION 1212.** 29.867 (6) (c) of the statutes is amended to read:

SENATE BILL 55**SECTION 1212**

1 29.867 (6) (c) Whenever any game bird or game animal from a game bird and
2 animal farm is consumed for food, the band or tag attached to the game bird or game
3 animal shall be kept until the bird or animal is consumed.

4 **SECTION 1213.** 29.867 (7) of the statutes is amended to read:

5 29.867 (7) Any person other than the licensee, or a person authorized by the
6 licensee, who hunts game birds or game animals on the licensed premises is liable
7 to the licensee in the sum of \$100, in addition to all damage which the person does
8 to the game birds or game animals, but any action to recover damages shall be
9 brought by the licensee.

10 **SECTION 1214.** 29.871 (1) of the statutes is renumbered 29.871 (1g).

11 **SECTION 1215.** 29.871 (1b) of the statutes is created to read:

12 29.871 (1b) In this section, “deer” means any type of deer except for elk and
13 farm-raised deer.

14 **SECTION 1216.** 29.871 (1m) of the statutes is repealed.

15 **SECTION 1217.** 29.875 (title) of the statutes is amended to read:

16 **29.875 (title) Disposal of escaped deer or elk.**

17 **SECTION 1218.** 29.875 (1) of the statutes is renumbered 29.875 (1r).

18 **SECTION 1219.** 29.875 (1g) of the statutes is created to read:

19 29.875 (1g) In this section, “deer” means any species of deer.

20 **SECTION 1220.** 29.875 (2) of the statutes is amended to read:

21 29.875 (2) Notwithstanding sub. (1) (1r), the department may dispose of the
22 deer immediately if the department of agriculture, trade and consumer protection
23 determines that the deer poses a risk to public safety or to the health of other
24 domestic or wild animals.

25 **SECTION 1221.** 29.877 (2) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 1221**

1 29.877 (2) (a) “Wild animal” means any mammal, fish, or bird of a wild nature
2 as distinguished from domestic animals under the common law or under the statutes
3 whether or not the mammal, fish, or bird was bred or reared in captivity, but does not
4 include farm-raised deer of the genus ~~dama, cervus or rangifer~~ or farm-raised fish.

5 **SECTION 1222.** 29.877 (2g) of the statutes is created to read:

6 29.877 (2g) This section does not apply to farm-raised deer.

7 **SECTION 1223.** 29.877 (5m) of the statutes is created to read:

8 29.877 (5m) No person may exhibit an elk in a wildlife exhibit.

9 **SECTION 1224.** 29.889 (1) (f) of the statutes is created to read:

10 29.889 (1) (f) Elk, if hunting of elk is authorized by the department.

11 **SECTION 1225.** 29.89 (title) of the statutes is amended to read:

12 **29.89 (title) Venison processing grants and donation program.**

13 **SECTION 1226.** 29.89 (2) of the statutes is amended to read:

14 29.89 (2) ESTABLISHMENT OF PROGRAM. The department shall establish a
15 program to reimburse counties for the costs that they incur in processing and
16 donating venison from certain deer carcasses.

17 **SECTION 1227.** 29.89 (3) (b) of the statutes is amended to read:

18 29.89 (3) (b) The county accepts deer carcasses for processing and ~~pays for the~~
19 ~~costs of processing.~~

20 **SECTION 1228.** 29.89 (3) (c) of the statutes is renumbered 29.89 (5) (b) 2. b.

21 **SECTION 1229.** 29.89 (3) (e) of the statutes is amended to read:

22 29.89 (3) (e) ~~The processed venison is donated~~ county shall make reasonable
23 efforts to donate the venison as provided under sub. (4).

24 **SECTION 1230.** 29.89 (5) (title) of the statutes is amended to read:

25 29.89 (5) (title) ~~GRANTS; AMOUNTS~~ REIMBURSEMENT; FUNDING.

SENATE BILL 55**SECTION 1231**

1 **SECTION 1231.** 29.89 (5) (a) of the statutes is amended to read:

2 29.89 (5) (a) Reimbursement Subject to par. (c), reimbursement under this
3 section shall equal the ~~amount that it costs~~ costs, including administrative costs,
4 that a county to process incurs in processing the venison and in donating the
5 processed venison under sub. (4).

6 **SECTION 1232.** 29.89 (5) (b) of the statutes is renumbered 29.89 (5) (b) 1. and
7 amended to read:

8 29.89 (5) (b) 1. The department shall reimburse counties under this section
9 from the appropriation under s. 20.370 (5) ~~(fq)~~ (ft).

10 2. c. Moneys are available under s. 20.370 (5) (fq) after first deducting from s.
11 20.370 (5) (fq) payments made for county administrative costs, payments made for
12 wildlife damage abatement assistance, and wildlife damage claim payments under
13 s. 29.889.

14 **SECTION 1233.** 29.89 (5) (b) 2. (intro.) and a. of the statutes are created to read:

15 29.89 (5) (b) 2. (intro.) The department shall reimburse counties under this
16 section from the appropriation under s. 20.370 (5) (fq) if all of the following apply:

17 a. The total amount of reimbursable costs exceeds the amount available under
18 s. 20.370 (5) (ft).

19 **SECTION 1234.** 29.89 (5) (c) of the statutes is amended to read:

20 29.89 (5) (c) If the total amount of reimbursable costs under par. (a) exceeds the
21 amount available ~~after making the deductions~~ under par. (b), the department shall
22 establish a system to prorate the reimbursement payments among the eligible
23 counties.

24 **SECTION 1235.** 29.921 (7) of the statutes is amended to read:

SENATE BILL 55**SECTION 1235**

1 29.921 (7) DOGS INJURING WILDLIFE. A warden may kill a dog found running,
2 injuring, causing injury to, or killing, any deer, ~~other than farm-raised deer~~ or elk,
3 or destroying game birds, their eggs, or nests, if immediate action is necessary to
4 protect the deer, elk, or game birds, their nests or eggs, from injury or death.

5 **SECTION 1236.** 29.927 (8) of the statutes is amended to read:

6 29.927 (8) Any dog found running deer, ~~except farm-raised deer,~~ or elk at any
7 time, or used in violation of this chapter.

8 **SECTION 1237.** 29.934 (1) (e) of the statutes is amended to read:

9 29.934 (1) (e) This subsection does not apply to a deer killed, or so injured that
10 it must be killed, by a collision with a motor vehicle on a highway. ~~For purposes of~~
11 this subsection, “deer” ~~does not include farm-raised deer.~~

12 **SECTION 1238.** 29.971 (3m) of the statutes is amended to read:

13 29.971 (3m) For unlawfully hunting a moose ~~or an elk~~, by a forfeiture of not
14 less than \$1,000 nor more than \$2,000 and the mandatory revocation of all hunting
15 approvals issued to the person. In addition, no hunting approval may be issued to
16 the person for the time period specified by the court. The time period specified shall
17 be not less than 3 years nor more than 5 years following the date of conviction under
18 this subsection.

19 **SECTION 1239.** 29.971 (11g) of the statutes is created to read:

20 29.971 (11g) (a) For hunting elk without a valid elk hunting license, for
21 possessing an elk that does not have an elk carcass tag attached, for possessing an
22 elk during the closed season, by a fine of not less than \$1,000 nor more than \$15,000
23 or by imprisonment for not more than 6 months or both for the first violation, or by
24 a fine of not more than \$20,000 or imprisonment for not more than one year or both
25 for any subsequent violation. In addition, the court shall revoke all hunting and

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1 trapping approvals issued to the person under this chapter and shall prohibit the
2 issuance of any new hunting and trapping approvals under this chapter to the person
3 for 5 years.

4 (b) Except as provided under par. (a), for the violation of any provision of this
5 chapter or rules promulgated under this chapter relating to elk hunting or to the
6 violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than
7 \$5,000.

8 **SECTION 1240.** 29.977 (1) (am) of the statutes is created to read:

9 29.977 (1) (am) Any elk, \$2,000.

10 **SECTION 1241.** 29.977 (1) (b) of the statutes is amended to read:

11 29.977 (1) (b) Any moose, ~~elk~~, fisher, prairie chicken, or sand hill crane,
12 \$262.50.

13 **SECTION 1242.** 29.977 (1) (m) of the statutes is amended to read:

14 29.977 (1) (m) Any game or fur-bearing animal or bird not mentioned in pars.
15 (b) ~~(am)~~ to (h), \$17.50.

16 **SECTION 1243.** 29.983 (1) (b) 1m. of the statutes is created to read:

17 29.983 (1) (b) 1m. Any elk, \$2,000.

18 **SECTION 1244.** 29.983 (1) (b) 2. of the statutes is amended to read:

19 29.983 (1) (b) 2. For any moose, ~~elk~~, fisher, prairie chicken, or sand hill crane,
20 \$262.50.

21 **SECTION 1245.** 29.983 (1) (b) 13. of the statutes is amended to read:

22 29.983 (1) (b) 13. For any game or fur-bearing animal or bird not mentioned
23 in subds. ~~2.~~ 1m. to 8., \$17.50.

24 **SECTION 1246.** 30.10 (4) (d) of the statutes is renumbered 30.10 (4) (d) 2. and
25 amended to read:

SENATE BILL 55**SECTION 1246**

1 30.10 (4) (d) 2. A drainage district drain located in the Duck Creek Drainage
2 District and operated by the board for that district or any other drainage district
3 drain that is used primarily for agricultural purposes is not navigable unless it is
4 shown, by means of a U.S. geological survey map or other similarly reliable scientific
5 evidence, that the drain was a navigable stream before it became a drainage district
6 drain.

7 **SECTION 1247.** 30.10 (4) (d) 1. of the statutes is created to read:

8 30.10 (4) (d) 1. In this paragraph, “agricultural purposes” has the meaning
9 given in s. 29.181 (1b) (a).

10 **SECTION 1248.** 30.12 (4m) (title) of the statutes is amended to read:

11 30.12 (4m) (title) ~~DUCK CREEK DRAINAGE DISTRICT~~ CERTAIN DRAINAGE DISTRICT
12 STRUCTURES AND DEPOSITS.

13 **SECTION 1249.** 30.12 (4m) (intro.) of the statutes is renumbered 30.12 (4m) (a)
14 (intro.) and amended to read:

15 30.12 (4m) (a) (intro.) Subsection (1) does not apply to a qualifying structure
16 or deposit ~~that the drainage board for the Duck Creek Drainage District places in a~~
17 ~~drain that the board operates in the Duck Creek Drainage District~~ if either of the
18 following applies:

19 **SECTION 1250.** 30.12 (4m) (a) of the statutes is renumbered 30.12 (4m) (a) 1.
20 and amended to read:

21 30.12 (4m) (a) 1. The department of agriculture, trade and consumer
22 protection, after consulting with the department of natural resources, specifically
23 approves the qualifying structure or deposit.

24 **SECTION 1251.** 30.12 (4m) (b) of the statutes is renumbered 30.12 (4m) (a) 2.
25 and amended to read:

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1 30.12 (4m) (a) 2. The qualifying structure or deposit is required, under rules
2 promulgated by the department of agriculture, trade and consumer protection, in
3 order to conform the drain to specifications approved by the department of
4 agriculture, trade and consumer protection after consulting with the department of
5 natural resources.

6 **SECTION 1252.** 30.12 (4m) (c) of the statutes is created to read:

7 30.12 (4m) (c) For purposes of this subsection, a “qualifying structure or
8 deposit” is either of the following:

9 1. Any structure or deposit that is placed in a drain that is operated in the Duck
10 Creek Drainage District by the board for the Duck Creek Drainage District.

11 2. Any structure or deposit that is placed in a drain that is not described in subd.
12 1. if the structure or deposit is used primarily for agricultural purposes, as defined
13 in s. 29.181 (1b) (a).

14 **SECTION 1253.** 30.124 (1) (intro.) of the statutes is amended to read:

15 30.124 (1) (intro.) Notwithstanding ss. 30.12, ~~30.125~~, 30.20, 30.44, and 30.45,
16 and if the department finds that the activity will not adversely affect public or private
17 rights or interests in fish and wildlife populations, navigation, or waterway flood
18 flow capacity and will not result in environmental pollution, as defined in s. 299.01
19 (4), the department may do all of the following on public lands or waters:

20 **SECTION 1254.** 30.124 (1) (a) of the statutes is amended to read:

21 30.124 (1) (a) Cut aquatic ~~vegetation~~ plants, as defined in s. 30.715 (1) (a),
22 without removing ~~the vegetation~~ them from the water, for the purpose of improving
23 waterfowl nesting, brood, and migration habitat.

24 **SECTION 1255.** 30.125 of the statutes is repealed.

25 **SECTION 1256.** 30.18 (1b) of the statutes is created to read:

SENATE BILL 55**SECTION 1256**

1 30.18 (1b) DEFINITION. In this section, “agricultural purpose” has the meaning
2 given in s. 29.181 (1b) (a).

3 **SECTION 1257.** 30.18 (2) (a) 2. of the statutes is amended to read:

4 30.18 (2) (a) 2. The diversion is for the purpose of agriculture or irrigation or
5 for an agricultural purpose.

6 **SECTION 1258.** 30.18 (6) (b) of the statutes is amended to read:

7 30.18 (6) (b) *Use of water.* A person issued a permit for the purpose of irrigation
8 or agriculture for an agricultural purpose may use the water on any land contiguous
9 to the permittee’s riparian land, but may not withdraw more water than it did before
10 August 1, 1957, without applying to the department for a modification of the permit.

11 **SECTION 1259.** 30.19 (1m) (b) of the statutes is amended to read:

12 30.19 (1m) (b) ~~Any agricultural uses~~ The use of land for agricultural purposes,
13 as defined in s. 29.181 (1b) (a).

14 **SECTION 1260.** 30.20 (1) (d) of the statutes is amended to read:

15 30.20 (1) (d) ~~The A drainage board for the Duck Creek Drainage District~~ may,
16 without a permit under sub. (2) (c), remove qualifying material from a drain ~~that the~~
17 ~~board operates in the Duck Creek Drainage District~~ if the removal is required, under
18 rules promulgated by the department of agriculture, trade and consumer protection,
19 in order to conform the drain to specifications imposed by the department of
20 agriculture, trade and consumer protection after consulting with the department of
21 natural resources.

22 **SECTION 1261.** 30.20 (1) (dm) of the statutes is created to read:

23 30.20 (1) (dm) For purposes of this paragraph, “qualifying material” is either
24 of the following:

SENATE BILL 55**SECTION 1261**

1 1. Any material that is removed from a drain that is operated in the Duck Creek
2 Drainage District by the board for the Duck Creek Drainage District.

3 2. Any material that is removed from a drain that is not described in subd. 1.
4 if the removal is necessary primarily for agricultural purposes, as defined in s. 29.181
5 (1b) (a).

6 **SECTION 1262.** 30.35 (2a) (b) of the statutes is amended to read:

7 30.35 **(2a)** (b) Exempt from the ~~certificate~~ of registration requirement under
8 s. 30.51 (2) (c) 3.

9 **SECTION 1263.** 30.38 (9) (b) of the statutes is amended to read:

10 30.38 **(9)** (b) Exempt from the ~~certificate~~ of registration requirement under s.
11 30.51 (2) (c) 3.

12 **SECTION 1264.** 30.50 (3) of the statutes is amended to read:

13 30.50 **(3)** “Certificate of number” means the certificate of number certificate,
14 certificate of number card, certification ~~sticker~~ or decal, and identification number
15 issued by the department under the federally approved numbering system unless
16 the context clearly indicates otherwise.

17 **SECTION 1265.** 30.50 (3b) of the statutes is created to read:

18 30.50 **(3b)** “Certification or registration documentation” means a certificate of
19 number certificate, certificate of number card, certification decal, registration
20 certificate, registration card, self-validated receipt, or registration decal.

21 **SECTION 1266.** 30.50 (4a) of the statutes is repealed.

22 **SECTION 1267.** 30.50 (10) of the statutes is amended to read:

23 30.50 **(10)** “Registration” means the registration certificate, registration card,
24 and registration ~~sticker~~ or decal issued by the department.

25 **SECTION 1268.** 30.50 (11m) of the statutes is created to read:

SENATE BILL 55**SECTION 1268**

1 30.50 (11m) "Self-validated receipt" means a portion of an application form
2 that is retained by the applicant upon submittal of an application for a certificate of
3 of number or registration and that shows that an application and the required fee
4 for a certificate of number or registration has been submitted to the department.

5 **SECTION 1269.** 30.51 (1) (a) of the statutes is amended to read:

6 30.51 (1) (a) *Certificate of number.* No person may operate, and no owner may
7 give permission for the operation of, any boat on the waters of this state unless the
8 boat is covered by a certificate of number issued under this chapter or is exempt from
9 the certificate of number requirements of this chapter. ~~A boat is not covered by a~~
10 ~~certificate of number unless the owner is issued a valid certificate of number card,~~
11 ~~the certificate sticker or decal is properly attached to and displayed on the boat and~~
12 ~~the identification number is properly displayed on the boat.~~

13 **SECTION 1270.** 30.51 (1) (b) of the statutes is amended to read:

14 30.51 (1) (b) *Registration.* No person may operate, and no owner may give
15 permission for the operation of, any boat on the waters of this state unless the boat
16 is covered by a registration issued under this chapter or is exempt from the
17 registration requirements of this chapter. ~~A boat is not covered by a registration~~
18 ~~unless the owner is issued a valid registration card and the registration sticker or~~
19 ~~decal is properly displayed on the boat.~~

20 **SECTION 1271.** 30.52 (1) (title) of the statutes is repealed and recreated to read:

21 30.52 (1) (title) ISSUANCE OF CERTIFICATES AND REGISTRATIONS.

22 **SECTION 1272.** 30.52 (1) (c) of the statutes is amended to read:

23 30.52 (1) (c) *Application for duplicate.* If a certificate of number card, a
24 registration card, a certification sticker or decal or a registration sticker or decal is
25 lost or destroyed the owner of a boat may apply for a duplicate. ~~The owner shall~~

SENATE BILL 55**SECTION 1272**

1 ~~submit an application which shall be accompanied by the required fee for each~~
2 ~~duplicate certificate of number card, registration card, certification sticker or decal~~
3 ~~or registration sticker or decal applied for.~~

4 **SECTION 1273.** 30.52 (1m) (title) of the statutes is repealed and recreated to
5 read:

6 30.52 (1m) (title) PROCEDURES.

7 **SECTION 1274.** 30.52 (1m) (a) (intro.) of the statutes is amended to read:

8 30.52 (1m) (a) *Agents Issuers.* (intro.) For the issuance of original or duplicate
9 certification or registration documentation and for the transfer or renewal of
10 certificates of number or certificates of registration certification or registration
11 documentation, the department may do any of the following:

12 **SECTION 1275.** 30.52 (1m) (a) 1. of the statutes is amended to read:

13 30.52 (1m) (a) 1. Directly issue, transfer, or renew the certificates certification
14 or registration documentation with or without using the expedited service under par.
15 (ag) 1.

16 **SECTION 1276.** 30.52 (1m) (a) 2. of the statutes is repealed.

17 **SECTION 1277.** 30.52 (1m) (a) 3. of the statutes is amended to read:

18 30.52 (1m) (a) 3. Appoint persons who are not employees of the department as
19 agents of the department to issue, transfer, or renew the certificates as agents of the
20 department certification or registration documentation using either or both of the
21 expedited services under par. (ag) 1.

22 **SECTION 1278.** 30.52 (1m) (ag) of the statutes is created to read:

23 30.52 (1m) (ag) *Methods of issuance.* 1. For the issuance of original or duplicate
24 certification or registration documentation and for the transfer or renewal of
25 certification or registration documentation, the department may implement either

SENATE BILL 55**SECTION 1278**

1 or both of the following expedited procedures to be provided by the department and
2 any agents appointed under par. (a) 3.:

3 a. A noncomputerized procedure under which the department or agent may
4 accept applications for certificates of number or registration and issue a
5 self-validated receipt at the time the applicant submits the application accompanied
6 by the required fees.

7 b. A computerized procedure under which the department or agent may accept
8 applications for certification or registration documentation and issue to each
9 applicant all or some of the items of the certification or registration documentation
10 at the time the applicant submits the application accompanied by the required fees.

11 2. Under either procedure under subd. 1., the applicant shall receive any
12 remaining items of certification or registration documentation directly from the
13 department at a later date. The items of certification or registration documentation
14 issued at the time of the submittal of the application under either procedure shall be
15 sufficient to allow the boat for which the application is submitted to be operated in
16 compliance with the registration requirements under this section and ss. 30.51 and
17 30.523.

18 **SECTION 1279.** 30.52 (1m) (ar) of the statutes is created to read:

19 30.52 (1m) (ar) *Fees.* 1. In addition to the applicable fee under sub. (3), each
20 agent appointed under par. (a) 3. shall collect an expedited service fee of \$3 each time
21 the agent issues a self-validated receipt under par. (ag) 1. a. The agent shall retain
22 the entire amount of each expedited service fee the agent collects.

23 2. In addition to the applicable fee under sub. (3), the department or the agent
24 appointed under par. (a) 3. shall collect an expedited service fee of \$3 each time the

SENATE BILL 55**SECTION 1279**

1 expedited service under par. (ag) 1. b. is provided. The agent shall remit to the
2 department \$1 of each expedited service fee the agent collects.

3 **SECTION 1280.** 30.52 (1m) (b) of the statutes is repealed.

4 **SECTION 1281.** 30.52 (1m) (c) of the statutes is repealed.

5 **SECTION 1282.** 30.52 (1m) (d) of the statutes is repealed.

6 **SECTION 1283.** 30.52 (1m) (e) of the statutes is amended to read:

7 30.52 (1m) (e) *Remittal Receipt of fees.* ~~An agent appointed under par. (a) 2. or~~
8 ~~3. shall remit to the department \$2 of each \$3 fee collected under par. (d). Any All~~
9 fees remitted to or collected by the department under par. (d) ~~(ar)~~ shall be credited
10 to the appropriation account under s. 20.370 (9) (hu).

11 **SECTION 1284.** 30.52 (1m) (f) of the statutes is created to read:

12 30.52 (1m) (f) *Inapplicability.* 1. A dealer in boats who assists a customer in
13 applying for a certification of number or registration without using either procedure
14 specified in par. (ag) 1., may charge the customer a reasonable fee for providing this
15 assistance.

16 2. Paragraphs (a) to (ar) do not apply to certificates of numbers issued to
17 manufactures or dealers in boats who pay the fee under sub. (3) (im).

18 **SECTION 1285.** 30.52 (1r) of the statutes is created to read:

19 30.52 (1r) **RULES FOR ISSUERS.** The department may promulgate rules to
20 establish eligibility and other criteria for the appointment of agents under sub. (1m)
21 (a) 3. and to regulate the activities of these agents.

22 **SECTION 1286.** 30.52 (3) (j) of the statutes is amended to read:

23 30.52 (3) (j) *Fee for issuance of duplicates.* The fee for the issuance of each
24 duplicate certificate of number card, registration card, certification sticker or decal,
25 or registration sticker or decal is \$2.50.

SENATE BILL 55**SECTION 1287**

1 **SECTION 1287.** 30.52 (5) (a) (title) of the statutes is amended to read:

2 30.52 (5) (a) (title) *Certificate of number; card; sticker or decal decals; number.*

3 **SECTION 1288.** 30.52 (5) (a) 1. of the statutes is amended to read:

4 30.52 (5) (a) 1. Upon receipt of a proper application for the issuance or renewal
5 of a certificate of number accompanied by the required fee, a sales tax report, the
6 payment of any sales and use tax due under s. 77.61 (1), and any other information
7 the department determines to be necessary, the department or an agent appointed
8 under sub. (1m) (a) 3. shall issue to the applicant a certificate of number card. The
9 certificate of number card shall state the identification number awarded, the name
10 and address of the owner, and other information the department determines to be
11 necessary. The certificate of number card shall be of pocket size and of durable water
12 resistant material.

13 **SECTION 1289.** 30.52 (5) (a) 2. of the statutes is amended to read:

14 30.52 (5) (a) 2. ~~At the time the~~ The department issues a certificate of number
15 card, it or an agent appointed under sub. (1m) (a) 3. shall issue 2 certification stickers
16 ~~or~~ decals per boat for each application that involves the issuance of certification
17 decals. The certification ~~stickers or~~ decals shall bear the year of expiration of the
18 current certification and registration period. The department shall provide the
19 applicant with instructions concerning the attachment of the certification ~~stickers~~
20 ~~or~~ decals to the boat.

21 **SECTION 1290.** 30.52 (5) (a) 3. of the statutes is amended to read:

22 30.52 (5) (a) 3. At the time the department or an agent appointed under sub.
23 (1m) (a) 3. issues a certificate of number card, ~~it~~ the department or agent shall award
24 an identification number. ~~The department~~ and shall provide the applicant with
25 instructions concerning the painting or attachment of the awarded identification

SENATE BILL 55**SECTION 1290**

1 number to the boat. The identification number shall be awarded to a particular boat
2 unless the owner of the boat is a manufacturer of or dealer in boats, motors, or trailers
3 who has paid the fee under sub. (3) (im) and the identification number is used on that
4 boat.

5 **SECTION 1291.** 30.52 (5) (a) 4. of the statutes is amended to read:

6 30.52 (5) (a) 4. At the time ~~the department issues a certificate of number card,~~
7 it a person receives the certification decals, the person shall furnish to the person
8 obtaining the card be furnished with a copy of the state laws pertaining to operation
9 of boats or informational material based on these laws.

10 **SECTION 1292.** 30.52 (5) (b) (title) of the statutes is amended to read:

11 30.52 (5) (b) (title) *Registration; card; sticker or decal decals.*

12 **SECTION 1293.** 30.52 (5) (b) 1. of the statutes is amended to read:

13 30.52 (5) (b) 1. Upon receipt of a proper application for the issuance or renewal
14 of a registration accompanied by the required fee, a sales tax report, the payment of
15 any sales and use tax due under s. 77.61 (1) and any other information the
16 department determines to be necessary, the department or an agent appointed under
17 sub. (1m) (a) 3. shall issue to the applicant a registration card. The registration card
18 shall state the name and address of the owner and other information the department
19 determines to be necessary. The registration card shall be of pocket size and of
20 durable water resistant material.

21 **SECTION 1294.** 30.52 (5) (b) 2. of the statutes is amended to read:

22 30.52 (5) (b) 2. ~~At the time the~~ The department issues a registration card, it or
23 an agent appointed under sub. (1m) (a) 3. shall issue 2 registration ~~stickers or~~ decals
24 per boat for each application that involves the issuance of registration decals. The
25 registration ~~stickers or~~ decals shall bear the year of expiration of the current

SENATE BILL 55**SECTION 1294**

1 certification and registration period. The department shall provide the applicant
2 with instructions concerning the attachment of the registration stickers or decals to
3 the boat.

4 **SECTION 1295.** 30.52 (5) (b) 3. of the statutes is amended to read:

5 30.52 (5) (b) 3. At the time the department issues a registration card, it a person
6 receives registration decals, the person shall furnish to the person obtaining the card
7 be furnished with a copy of the state laws pertaining to the operation of boats or
8 informational material based on these laws.

9 **SECTION 1296.** 30.52 (5) (c) of the statutes is repealed.

10 **SECTION 1297.** 30.523 (title) of the statutes is amended to read:

11 **30.523 (title) Certification or registration card to be on board; display**
12 **of stickers or decals and identification number.**

13 **SECTION 1298.** 30.523 (1) (a) of the statutes is amended to read:

14 30.523 (1) (a) *Certificate of number card.* ~~Any person operating~~ If a boat which
15 is required to be covered by a certificate of number issued under this chapter and if
16 the owner of the boat has received the certificate of number card for the boat, any
17 person operating the boat shall have the certificate of number card available at all
18 times for inspection on the boat, unless the department determines the boat is of the
19 use, size, or type as to make the retention of the certificate of number card on the boat
20 impractical.

21 **SECTION 1299.** 30.523 (1) (b) of the statutes is amended to read:

22 30.523 (1) (b) *Registration card.* ~~Any person operating~~ If a boat which is
23 required to be covered by a registration issued under this chapter and the owner of
24 the boat has received the registration card for the boat, any person operating the boat
25 shall have the registration card available at all times for inspection on the boat

SENATE BILL 55**SECTION 1299**

1 unless the department determines the boat is of the use, size, or type as to make the
2 retention of the registration card on the boat impractical.

3 **SECTION 1300.** 30.523 (2) (title) of the statutes is amended to read:

4 30.523 (2) (title) ~~DISPLAY OF STICKERS OR DECALS.~~

5 **SECTION 1301.** 30.523 (2) (a) of the statutes is amended to read:

6 30.523 (2) (a) ~~Certification stickers or decals.~~ Upon being issued a certificate
7 of number card and certification stickers or decals, the owner of the boat shall attach
8 or affix the stickers or decals to each side of the forward half of the boat in the manner
9 prescribed by rules promulgated by the department. The owner shall maintain the
10 certification stickers or decals in a legible condition at all times.

11 **SECTION 1302.** 30.523 (2) (b) of the statutes is amended to read:

12 30.523 (2) (b) ~~Registration stickers or decals.~~ Upon being issued a registration
13 card and registration stickers or decals, the owner of the boat shall attach or affix the
14 stickers or decals in the manner prescribed by rules promulgated by the department.
15 The owner shall attach or affix the registration stickers or decals to the transom of
16 the boat on each side of the federally documented name of the vessel in a manner so
17 both stickers or decals are visible. The owner shall maintain the registration stickers
18 or decals in a legible condition at all times.

19 **SECTION 1303.** 30.523 (2) (c) of the statutes is amended to read:

20 30.523 (2) (c) ~~Stickers or decals~~ Decals for boats owned by manufacturers and
21 dealers. Notwithstanding par. (a), a manufacturer or dealer in boats, motors, or
22 trailers who has paid the fee under s. 30.52 (3) (im) may attach or affix the
23 certification stickers or decals to removable signs to be temporarily but firmly
24 mounted upon or attached to the boat while the boat is being operated.

25 **SECTION 1304.** 30.523 (2) (d) of the statutes is amended to read:

SENATE BILL 55**SECTION 1304**

1 30.523 (2) (d) *Restriction on other stickers and decals.* No ~~sticker or decal~~
2 stickers or decals other than the certificate of number ~~stickers or decals~~, other
3 stickers or decals that may be provided by the department, and stickers or decals
4 authorized by reciprocity may be attached, affixed, or displayed on either side of the
5 forward half of a boat.

6 **SECTION 1305.** 30.547 (2) of the statutes is amended to read:

7 30.547 (2) No person may intentionally falsify an application for a certificate
8 of number or registration ~~or a certificate of number or registration card~~ issued under
9 s. 30.52.

10 **SECTION 1306.** 30.549 (2) (c) of the statutes is amended to read:

11 30.549 (2) (c) Notwithstanding s. 30.52 (5) (a) 2. or (b) 2., the department may
12 not issue new certification ~~stickers or decals~~ or new registration ~~stickers or decals~~ if
13 the fee specified under s. 30.52 (3) (h) rather than the appropriate fee specified under
14 s. 30.52 (3) (b) to (g) is paid. The department shall not award a new identification
15 number to the boat unless compliance with federal numbering regulations requires
16 otherwise.

17 **SECTION 1307.** 30.715 (1) of the statutes is created to read:

18 30.715 (1) In this section:

19 (a) “Aquatic plant” means a submergent, emergent, or floating-leaf plant or
20 any part thereof. “Aquatic plant” does not mean wild rice.

21 (b) “Public boat access site” means a site that provides access to a navigable
22 water for boats and that is open to the general public for free or for a charge or that
23 is open only to certain groups of persons for a charge.

24 **SECTION 1308.** 30.715 (2) of the statutes is created to read:

SENATE BILL 55**SECTION 1308**

1 30.715 (2) No person may place or use a boat or boating equipment or place a
2 boat trailer in a navigable water if the person has reason to believe that the boat, boat
3 trailer, or boating equipment has any aquatic plants attached.

4 **SECTION 1309.** 30.715 (4) (a) of the statutes is created to read:

5 30.715 (4) (a) Remove aquatic plants from a boat, boat trailer, or boating
6 equipment before placing it in a navigable water

7 **SECTION 1310.** 30.715 (4) (b) of the statutes is created to read:

8 30.715 (4) (b) Remove or not place a boat, boat trailer, or boating equipment
9 in a navigable water if the law enforcement officer has reason to believe that the boat,
10 boat trailer, or boating equipment has aquatic plants attached.

11 **SECTION 1311.** 30.715 (5) of the statutes is created to read:

12 30.715 (5) (a) The department shall prepare a notice that contains a summary
13 of the provisions under this section and shall make copies of the notice available to
14 owners required to post the notice under par. (b).

15 (b) Each owner of a public boat access site shall post and maintain the notice
16 described in par. (a).

17 **SECTION 1312.** 30.725 (title) of the statutes is renumbered 30.715 (title) and
18 amended to read:

19 **30.715 (title) Placement of boats, trailers, and equipment; Lower St.**
20 **Croix River in navigable waters.**

21 **SECTION 1313.** 30.725 (1) of the statutes is renumbered 30.715 (3).

22 **SECTION 1314.** 30.725 (2) (intro.) of the statutes is renumbered 30.715 (4)
23 (intro.).

24 **SECTION 1315.** 30.725 (2) (a) of the statutes is renumbered 30.715 (4) (c).

25 **SECTION 1316.** 30.725 (2) (b) of the statutes is renumbered 30.715 (4) (d).

SENATE BILL 55**SECTION 1317**

1 **SECTION 1317.** 30.725 (3) of the statutes is renumbered 30.715 (6) and amended
2 to read:

3 30.715 (6) No person may refuse to obey the order of a law enforcement officer
4 who is acting under sub. ~~(2)~~ (4).

5 **SECTION 1318.** 30.77 (3) (dm) 1. b. of the statutes is amended to read:

6 30.77 (3) (dm) 1. b. "Local entity" means a city, village, town, county, qualified
7 lake association, ~~as defined in s. 281.68 (1) (b)~~, nonprofit conservation organization,
8 as defined in s. 23.0955 (1), town sanitary district, public inland lake protection and
9 rehabilitation district, or another local governmental unit, as defined in s. 66.0131
10 (1) (a), that is established for the purpose of lake management.

11 **SECTION 1319.** 30.77 (3) (dm) 1. c. of the statutes is created to read:

12 30.77 (3) (dm) 1. c. "Qualified lake association" means an association that
13 meets the qualifications under s. 281.68 (3m) (a).

14 **SECTION 1320.** 30.92 (1) (br) (intro.) of the statutes is renumbered 30.92 (1) (br)
15 and amended to read:

16 30.92 (1) (br) "Qualified lake association" means ~~a group incorporated under~~
17 ~~ch. 181 that meets all of the following conditions:~~ an association that meets the
18 qualifications under s. 281.68 (3m) (a).

19 **SECTION 1321.** 30.92 (1) (br) 1. of the statutes is repealed.

20 **SECTION 1322.** 30.92 (1) (br) 2. of the statutes is repealed.

21 **SECTION 1323.** 30.92 (1) (br) 3. of the statutes is repealed.

22 **SECTION 1324.** 30.92 (1) (br) 4. of the statutes is repealed.

23 **SECTION 1325.** 30.92 (1) (br) 5. of the statutes is repealed.

24 **SECTION 1326.** 30.92 (1) (br) 6. of the statutes is repealed.

25 **SECTION 1327.** 30.92 (1) (br) 7. of the statutes is repealed.

SENATE BILL 55**SECTION 1328**

1 **SECTION 1328.** 30.92 (1) (br) 8. of the statutes is repealed.

2 **SECTION 1329.** 30.92 (4) (b) 8. a. of the statutes is amended to read:

3 30.92 (4) (b) 8. a. A project for the dredging of a channel in a waterway to the
4 degree that is necessary to accommodate recreational watercraft ~~if the project is for~~
5 ~~an inland water.~~

6 **SECTION 1330.** 30.92 (4) (b) 8. b. of the statutes is amended to read:

7 30.92 (4) (b) 8. b. Acquisition of capital equipment that is necessary to cut and
8 remove aquatic plants ~~that are aquatic nuisances or~~ that are detrimental to fish
9 habitat if the acquisition is pursuant to a plan to cut and remove aquatic plants that
10 is approved by the department.

11 **SECTION 1331.** 30.92 (4) (b) 8. bp. of the statutes is created to read:

12 30.92 (4) (b) 8. bp. Acquisition of capital equipment that is necessary to control
13 and remove invasive aquatic plants, as defined in s. 23.24 (1) (g), if the equipment
14 will be used to control and remove them as authorized by an aquatic plant
15 management permit issued under s. 23.24 (3).

16 **SECTION 1332.** 30.93 (1) (b) of the statutes is amended to read:

17 30.93 (1) (b) “Fox River navigational system” ~~has the meaning designated~~
18 ~~under s. 30.94 (1) (b)~~ means locks, harbors, real property, structures, and facilities
19 related to navigation that are located on or near the Fox River, including locks,
20 harbors, real property, structures, and facilities that were under the ownership or
21 control of the federal government on April 1, 1984. “Fox River navigational system”
22 does not include dams on the Fox River.

23 **SECTION 1333.** 30.93 (3) (b) of the statutes is amended to read:

24 30.93 (3) (b) *Authority to contract; Wisconsin conservation corps.* The
25 commission may contract with public agencies, public or private organizations,

SENATE BILL 55**SECTION 1333**

1 businesses, or individuals to carry out management or operation responsibilities for
2 the Fox River navigational system. The commission may contract with the
3 department of health and family services or any other state agency to carry out
4 management or operation responsibilities for the Fox River navigational system.
5 The commission may act as a Wisconsin conservation corps project sponsor and may
6 enter into agreements with the ~~Wisconsin conservation corps board~~ department of
7 workforce development to carry out management or operation responsibilities for the
8 Fox River navigational system.

9 **SECTION 1334.** 30.93 (8) of the statutes is amended to read:

10 30.93 (8) APPLICABILITY. This section does not apply after the date on which the
11 ~~governor makes the certification under s. 30.94 (8) state and the Fox River~~
12 Navigational System Authority enter into the lease agreement specified in s. 237.06.

13 **SECTION 1335.** 30.94 (title) of the statutes is repealed.

14 **SECTION 1336.** 30.94 (1) (title), (intro.) and (a) of the statutes are repealed.

15 **SECTION 1337.** 30.94 (1) (b) of the statutes is renumbered 237.01 (4) and
16 amended to read:

17 237.01 (4) "~~Fox River navigational~~ Navigational system" means locks, harbors,
18 real property, structures, and facilities related to navigation that are located on or
19 near the Fox River, including locks, harbors, real property, structures, and facilities
20 that were under the ownership or control of the federal government on April 1, 1984.
21 "~~Fox River navigational~~ Navigational system" does not include dams on the Fox
22 River.

23 **SECTION 1338.** 30.94 (1) (c) of the statutes is repealed.

24 **SECTION 1339.** 30.94 (2) to (8) of the statutes are repealed.

25 **SECTION 1340.** 31.01 (2m) of the statutes is created to read:

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1 31.01 **(2m)** "Duck Creek Drainage District" has the meaning given in s. 30.01
2 (1m).

3 **SECTION 1341.** 31.02 (7) of the statutes is amended to read:

4 31.02 **(7)** The department of natural resources shall confer with the
5 department of agriculture, trade and consumer protection and the drainage
6 commissioners in each drainage district on the formation of policies for the operation
7 and maintenance of the dams; in districts. In a district having no commissioners, the
8 department of natural resources shall confer in like manner with the department of
9 agriculture, trade and consumer protection and with the any committee appointed
10 by the county board, if any, to represent either such the drainage district, or in. In
11 the event that the a drainage district is dissolved, to represent the department of
12 natural resources shall confer with any committee appointed by the county board to
13 represent the interests of the county in all matters whatsoever pertaining to water
14 conservation and control within the area which theretofore constituted such the
15 drainage district. This subsection does not apply to the Duck Creek Drainage
16 District.

17 **SECTION 1342.** 31.02 (7m) of the statutes is amended to read:

18 31.02 **(7m)** The drainage board for the Duck Creek Drainage District shall
19 operate, repair and maintain dams, dikes and other structures in district drains that
20 the board operates in the Duck Creek Drainage District in compliance with ch. 88
21 and any rules promulgated by the department of agriculture, trade and consumer
22 protection under ch. 88. If a county Subsection (7) does not apply to the Duck Creek
23 Drainage District unless the drainage board for the district fails to perform its duties
24 under this subsection, the. If the drainage board fails to perform these duties, the

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1 department of natural resources may exercise its authority under subs. (6),~~(8)~~ and
2 (9) and shall perform its duties under subs. (7) and (8).

3 **SECTION 1343.** 31.02 (8) of the statutes is amended to read:

4 31.02 (8) The department of natural resources shall give careful consideration
5 to the suggestions of made under sub. (7) by the department of agriculture, trade and
6 consumer protection, the drainage commissioners, or any committee of the county
7 board, but the final decision in all matters under consideration shall rest with the
8 department of natural resources.

9 **SECTION 1344.** 31.02 (9) of the statutes is amended to read:

10 31.02 (9) So far as seems practicable, the department may designate or employ
11 the drainage commissioners of any drainage district, or the committee of the county
12 board ~~above referred to~~ appointed under sub. (7), to operate the dams in such the
13 district or in the area formerly comprising a drainage district or to perform services
14 in the repair and maintenance of the dams, ~~dykes~~ dikes and other works.

15 **SECTION 1345.** 31.385 (5) of the statutes is created to read:

16 31.385 (5) Notwithstanding the limitations under sub. (2) (a) and the funding
17 allocation requirements under sub. (2) (ag) and (ar), the department shall provide
18 financial assistance to the village of Cazenovia in the amount necessary for a dam
19 safety project to repair a dam that is located in the portion of the village that is in
20 Richland County. The amount of the financial assistance may not exceed \$250,000.
21 The village need not contribute to the repair costs, and sub. (2) (c) does not apply to
22 this dam safety project. The repair of this dam need not be included as a dam safety
23 project under the inventory maintained by the department under sub. (4) for the
24 village to receive financial assistance under this section.

25 **SECTION 1346.** 33.32 (3) (b) of the statutes is amended to read:

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1 33.32 (3) (b) If a county or municipality fails to pay a special assessment levied
2 by a district, the clerk of the district may certify this fact to the department of
3 administration, and shall state the amount due. The department, at the time of
4 making the next scheduled distribution under s. 79.03 or 79.065, shall deduct the
5 amount claimed from the payment due the county or municipality, and shall forward
6 it to the district.

7 **SECTION 1347.** 35.81 (1) of the statutes is amended to read:

8 35.81 (1) "Division" means the division for libraries, technology, and
9 community learning in the department of public instruction.

10 **SECTION 1348.** 36.09 (1) (d) of the statutes is amended to read:

11 36.09 (1) (d) The board shall establish policies to guide program activities to
12 ensure that they will be compatible with the missions of the institutions of the
13 system. ~~To this end, the board shall make all reasonable effort to provide night~~
14 ~~courses.~~

15 **SECTION 1349.** 36.09 (1) (e) of the statutes, as affected by 1999 Wisconsin Act
16 42, section 18, is repealed and recreated to read:

17 36.09 (1) (e) The board shall appoint a president of the system; a chancellor for
18 each institution; a dean for each college campus; the state geologist; the director of
19 the laboratory of hygiene; the director of the psychiatric institute; the state
20 cartographer, with the advice of the department of administration and the Wisconsin
21 land council; and the requisite number of officers, other than the vice presidents,
22 associate vice presidents and assistant vice presidents of the system; faculty;
23 academic staff and other employees and fix the salaries, subject to the limitations
24 under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), the duties and the term of office
25 for each. The board shall fix the salaries, subject to the limitations under par. (j) and

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1 ss. 20.923 (4g) and 230.12 (3) (e), and the duties for each chancellor, vice president,
2 associate vice president and assistant vice president of the system. No sectarian or
3 partisan tests or any tests based upon race, religion, national origin or sex shall ever
4 be allowed or exercised in the appointment of the employees of the system.

5 **SECTION 1350.** 36.11 (41) of the statutes is created to read:

6 36.11 (41) OFFERING OF COURSE SECTIONS. The board shall ensure that at least
7 15% of all system course sections that are offered for credit and that do not exclude
8 undergraduate students are offered during the evenings and weekends or by
9 electronic means and shall, by October 1, 2003, and annually thereafter, report to the
10 department of administration the number of such course sections offered in the
11 previous academic year and what percentage of all system course sections they
12 constituted.

13 **SECTION 1351.** 36.11 (42) of the statutes is created to read:

14 36.11 (42) REPORT ON PRECOLLEGE PROGRAM. The board shall report annually to
15 the department of public instruction the number of students who both enrolled in a
16 University of Wisconsin System precollege program under s. 115.43 and graduated
17 from a University of Wisconsin System institution.

18 **SECTION 1352.** 36.25 (5) (c) of the statutes is created to read:

19 36.25 (5) (c) At the request of the transitional board, as defined in s. 39.81 (7),
20 the board of regents shall, at no charge to the transitional board, provide staff and
21 legal, administrative, and technical assistance for the transitional board to carry out
22 the duties under s. 39.82.

23 **SECTION 1353.** 36.25 (5) (d) of the statutes is created to read:

24 36.25 (5) (d) If the secretary of administration determines that the federal
25 communications commission has approved the transfer of all broadcasting licenses,

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1 except licenses for student radio, held by the board of regents to the broadcasting
2 corporation, as defined in s. 39.81 (2), this subsection does not apply on and after the
3 effective date of the last license transferred as determined by the secretary of
4 administration under s. 39.87 (2) (b).

5 **SECTION 1354.** 36.25 (5m) of the statutes is created to read:

6 **36.25 (5m) PROVISION OF CERTAIN SERVICE FOR PUBLIC BROADCASTING.** (a) In this
7 subsection, "broadcasting corporation" has the meaning given in s. 39.81 (2).

8 (b) If the secretary of administration determines that the federal
9 communications commission has approved the transfer of all broadcasting licenses,
10 except licenses for student radio, held by the board of regents to the broadcasting
11 corporation, on and after the effective date of the last license transferred, as
12 determined by the secretary under s. 39.87 (2), all of the following shall occur:

13 1. The board of regents shall contract with the broadcasting corporation to
14 provide to the broadcasting corporation the services of all of the employees of the
15 board who provided public broadcasting services before the date determined by the
16 secretary under s. 39.87 (2) (b). The board may not contract under this subdivision
17 for the services of any employee who did not provide public broadcasting services
18 before the date determined by the secretary under s. 39.87 (2) (b). Any contract
19 entered into under this subdivision shall provide that the broadcasting corporation
20 shall have supervision authority over the employees.

21 2. If any employee of the board of regents who provided public broadcasting
22 services before the date determined by the secretary under s. 39.87 (2) (b) terminates
23 employment with the board on or after that date, the board may not fill any position
24 occupied by the employee and may not expend any money that would otherwise have

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1 been paid to, or on behalf of, the employee as salary or fringe benefits had the
2 employee not terminated employment with the board.

3 **SECTION 1355.** 36.25 (12m) (intro.) of the statutes, as affected by 1997
4 Wisconsin Act 27, is repealed and recreated to read:

5 36.25 **(12m)** STATE CARTOGRAPHER. (intro.) In coordination and consultation
6 with the department of administration, the state cartographer shall:

7 **SECTION 1356.** 36.25 (13m) of the statutes is amended to read:

8 36.25 **(13m)** MEDICAL STUDENT TRANSFER PROGRAM. The board shall establish a
9 program in the Center for Health Sciences of the University of Wisconsin-Madison
10 involving Wisconsin Medical School to consider the transfer of residents of this state
11 from foreign medical schools after their 2nd year of study ~~or involving a 5th year of~~
12 ~~clerkship following their completion of 4 years of study at a foreign school.~~

13 **SECTION 1357.** 36.25 (38) (b) 6. of the statutes is amended to read:

14 36.25 **(38)** (b) 6. To pay the department of administration electronic
15 government for telecommunications services provided under s. 16.973 22.05 (1).

16 **SECTION 1358.** 36.27 (1) (a) of the statutes is amended to read:

17 36.27 **(1)** (a) Subject to pars. ~~(am)~~, (b) and (c), the board may establish for
18 different classes of students differing tuition and fees incidental to enrollment in
19 educational programs or use of facilities in the system. Except as otherwise provided
20 in this section, the board may charge any student who is not exempted by this section
21 a nonresident tuition. The board may establish special rates of tuition and fees for
22 the extension and summer sessions and such other studies or courses of instruction
23 as the board deems advisable.

24 **SECTION 1359.** 36.27 (1) (am) of the statutes is repealed.

25 **SECTION 1360.** 36.27 (3r) of the statutes is created to read:

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1 36.27 (3r) FEE REMISSION; OTHER. Beginning in the 2002-03 academic year, the
2 board shall grant full remission of fees to a resident undergraduate student who is
3 enrolled in a bachelor's degree program and who is designated the annual winner of
4 the Wisconsin state science fair by the Wisconsin Science Education Foundation.
5 The fee remission remains in effect until completion of a sufficient number of credits
6 to be awarded a bachelor's degree in a science-related field of study, except that a
7 student must be in good academic standing to receive the remission for the next
8 semester and may not receive a remission for more than 5 consecutive years. Upon
9 completion of the student's bachelor's degree, the board shall grant the student a fee
10 remission for a science-related graduate program. The graduate fee remission
11 remains in effect for 2 consecutive years, except that a student must be in good
12 academic standing to receive the remission for the next semester.

13 **SECTION 1361.** 36.27 (4) (a) of the statutes is amended to read:

14 36.27 (4) (a) ~~In the 1993-94 to 2000-01 academic years, the~~ The board may
15 annually exempt from nonresident tuition, but not from incidental or other fees, up
16 to 200 students enrolled at the University of Wisconsin-Parkside as juniors or
17 seniors in programs identified by that institution as having surplus capacity and up
18 to 150 students enrolled at the University of Wisconsin-Superior in programs
19 identified by that institution as having surplus capacity.

20 **SECTION 1362.** 36.28 of the statutes is repealed.

21 **SECTION 1363.** 36.46 (1) (a) of the statutes is amended to read:

22 36.46 (1) (a) The board may not accumulate any auxiliary reserve funds from
23 student fees for any institution in an amount that exceeds an amount equal to 15%
24 of the previous fiscal year's total revenues from student segregated fees and
25 auxiliary operations funded from student fees for that institution unless the reserve

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1 funds are approved by the secretary of administration and the joint committee on
2 finance under this subsection. A request by the board for such approval for any fiscal
3 year shall be filed by the board with the secretary of administration and the
4 cochairpersons of the joint committee on finance no later than ~~September~~ October 15
5 of that fiscal year. The request shall include a plan specifying the amount of reserve
6 funds the board wishes to accumulate and the purposes to which the reserve funds
7 would be applied, if approved. Within 14 working days of receipt of the request, the
8 secretary of administration shall notify the cochairpersons of the joint committee on
9 finance in writing of whether the secretary proposes to approve the reserve fund
10 accumulation.

11 **SECTION 1364.** 38.04 (4) (ag) of the statutes is renumbered 38.04 (4) (ag) 1.

12 **SECTION 1365.** 38.04 (4) (ag) 2. of the statutes is created to read:

13 38.04 (4) (ag) 2. A district board may employ an instructor who is not certified
14 by the board if the instructor holds a valid industry certification recognized by the
15 board.

16 **SECTION 1366.** 38.04 (4) (am) of the statutes is repealed.

17 **SECTION 1367.** 38.04 (9) of the statutes is amended to read:

18 38.04 (9) TRAINING PROGRAMS FOR FIRE FIGHTERS. In order to promote safety to
19 life and property, the board may establish and supervise training programs in fire
20 prevention and protection and emergency extrication. The training programs shall
21 be available to members of volunteer and paid fire departments maintained by public
22 and private agencies, including industrial plants. No training program required for
23 participation in structural fire fighting that is offered to members of volunteer and
24 paid fire departments maintained by public agencies may require more than 60
25 hours of training.

SENATE BILL 55**SECTION 1368**

1 **SECTION 1368.** 38.04 (28) of the statutes is created to read:

2 38.04 (28) REPORT ON PRECOLLEGE PROGRAM. The board shall report annually
3 to the department of public instruction the number of students who both enrolled in
4 a technical college precollege program under s. 115.43 and graduated from a
5 technical college.

6 **SECTION 1369.** 38.04 (30) of the statutes is created to read:

7 38.04 (30) INTERNET COURSES. The board shall do all of the following:

8 (a) Promulgate rules that allow a student enrolled in one district to take a
9 course offered by another district over the Internet without paying additional fees
10 to the district board offering the course.

11 (b) Establish an Internet site that provides information on all courses offered
12 over the Internet by all district boards.

13 (c) Assist district boards to develop Internet courses.

14 **SECTION 1370.** 38.12 (12) of the statutes is created to read:

15 38.12 (12) REQUIRED PROGRAMS AND COURSES. The district board shall offer any
16 program or course of study that the board directs the district board to offer and shall
17 eliminate any program or course of study that the board directs the district board to
18 eliminate.

19 **SECTION 1371.** 38.125 of the statutes is amended to read:

20 **38.125 Public broadcasting stations.** If the district board governing the
21 Milwaukee area technical college determines to relinquish its public broadcasting
22 licenses, it shall, subject to the approval of the federal communications commission,
23 offer to assign the licenses to the educational communications board, ~~subject to~~
24 ~~approval of the federal communications commission~~ or, if all broadcasting licenses

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1 held by the educational board have been transferred to the broadcasting corporation
2 as defined in s. 39.81 (2), to the corporation.

3 **SECTION 1372.** 38.15 (3) (c) 3. of the statutes is amended to read:

4 38.15 (3) (c) 3. The capital expenditure is made before ~~January 1, 2002~~ July 1,
5 2003.

6 **SECTION 1373.** 38.27 (1) (i) of the statutes is created to read:

7 38.27 (1) (i) Statewide marketing and promotion of the technical college
8 system.

9 **SECTION 1374.** 38.27 (2) (b) of the statutes is amended to read:

10 38.27 (2) (b) The board shall review the applications submitted under par. (a)
11 according to procedures and criteria established by the board. The board may not
12 award a grant to a district board unless the board has reviewed and approved the
13 district board's budget. Prior to awarding a grant for the purpose of sub. (1) (e), the
14 board shall consider the principle of comparable budgetary support for similar
15 programs and ensure that the program being considered for a grant is efficient and
16 cost-effective. The board shall notify the applicant whether its application has been
17 approved and, if approved, of the amount and the conditions of the grant to be
18 awarded.

19 **SECTION 1375.** 38.28 (1m) (a) 1. of the statutes is amended to read:

20 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a
21 technical college district, including debt service charges for district bonds and
22 promissory notes for building programs or capital equipment, but excluding all
23 expenditures relating to auxiliary enterprises and community service programs, all
24 expenditures funded by or reimbursed with federal revenues, all receipts under sub.
25 (6) and ss. 38.12 (9), 38.14 (3) and (9), 118.15 (2) (a), 118.55 (7r) and 146.55 (5), all

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1 receipts from grants awarded under ss. ~~16.004 (14)~~, 38.04 (8), ~~(19)~~, and (20), 38.14
2 (11), 38.26, 38.27, 38.305, 38.31, 38.33 and 38.38, all fees collected under s. 38.24, and
3 driver education and chauffeur training aids.

4 **SECTION 1376.** 39.10 of the statutes is created to read:

5 **39.10 Definitions.** In this subchapter:

6 (1) "Broadcasting corporation" has the meaning given in s. 39.81 (2).

7 (2) "Fund-raising corporation" means the corporation organized under s. 39.12
8 (1).

9 (3) "Transitional board" has the meaning given in s. 39.81 (7).

10 **SECTION 1377.** 39.11 (22) of the statutes is created to read:

11 39.11 (22) Provide staff and legal, administrative, and technical assistance for
12 the transitional board to carry out the duties under s. 39.82 at no charge to the
13 transitional board.

14 **SECTION 1378.** 39.12 of the statutes is amended to read:

15 **39.12 Nonstock Fund-raising corporation.** (1) The educational
16 communications board may organize and maintain a nonstock, nonprofit corporation
17 under ch. 181 for the exclusive purpose of raising funds for the educational
18 communications board to support the activities of the educational communications
19 board. Any funds raised by the fund-raising corporation shall be expended to carry
20 out the purposes for which received.

21 (2) The educational communications board shall enter into a contract with the
22 fund-raising corporation ~~under sub. (1)~~. The contract shall provide that the
23 educational communications board may make use of the services of the fund-raising
24 corporation and that the educational communications board may provide
25 administrative services to the fund-raising corporation. The type and scope of any

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1 administrative services provided by the educational communications board to the
2 fund-raising corporation and the educational communications board employees
3 assigned to perform the services shall be determined by the educational
4 communications board. The fund-raising corporation may neither employ staff nor
5 engage in political activities.

6 (2m) The fund-raising corporation ~~under sub. (1)~~ shall donate any real
7 property to the state within 5 years after acquiring the property unless holding the
8 property for more than 5 years is consistent with sound business and financial
9 practices and is approved by the joint committee on finance.

10 (3) The educational communications board, the department of administration,
11 the legislative fiscal bureau, the legislative audit bureau, and the appropriate
12 committee of each house of the legislature, as determined by the presiding officer,
13 may examine all records of the fund-raising corporation.

14 (4) The board of directors of any the fund-raising corporation established
15 ~~under this section~~ shall consist of 5 members, including the executive director of the
16 educational communications board and 4 members of the educational
17 communications board, elected by the educational communications board, of which
18 one shall be a legislator. No 2 members of the board of directors may be from the same
19 category of educational communications board members under s. 15.57 (1) ~~(a)~~ to ~~(7)~~
20 ~~(h)~~.

21 (5) ~~Any~~ The fund-raising corporation established ~~under this section~~ shall be
22 organized so that contributions to it will be deductible from adjusted gross income
23 under section 170 of the ~~internal revenue code~~ Internal Revenue Code and so that
24 the fund-raising corporation will be exempt from taxation under section 501 of the
25 ~~internal revenue code~~ Internal Revenue Code and ss. 71.26 (1) (a) and 71.45 (1).

SENATE BILL 55**SECTION 1379**

1 **SECTION 1379.** 39.145 of the statutes is created to read:

2 **39.145 Applicability.** If the secretary of administration determines that the
3 federal communications commission has approved the transfer of all broadcasting
4 licenses held by the educational communications board to the broadcasting
5 corporation as defined in s. 39.81 (2), this subchapter does not apply on and after the
6 effective date of the last license transferred as determined by the secretary under s.
7 39.87 (2) (a).

8 **SECTION 1380.** 39.16 of the statutes is repealed.

9 **SECTION 1381.** 39.41 (title) of the statutes is repealed and recreated to read:

10 **39.41 (title) Governor Thompson scholarship program.**

11 **SECTION 1382.** 39.41 (9) of the statutes is created to read:

12 **39.41 (9)** In any printed material or other information disseminated or
13 otherwise distributed by the board, the scholarship program under this section shall
14 be referred to as the Governor Thompson scholarship program, and scholars shall be
15 referred to as Governor Thompson scholars.

16 **SECTION 1383.** 39.44 (5) of the statutes is created to read:

17 **39.44 (5)** By November 1, 2001, and annually thereafter, the board shall report
18 to the department of administration on the effectiveness of the program under this
19 section.

20 **SECTION 1384.** 39.49 of the statutes is created to read:

21 **39.49 Precollege programs; report.** Each private educational institution
22 located in this state that awards a bachelor's or higher degree or provides a program
23 that is acceptable for credit toward such a degree shall report annually to the
24 department of public instruction the number of students who both enrolled in the
25 institution's precollege program under s. 115.43 and graduated from the institution.

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1 (5) "Friends group" means a nonstock, nonprofit corporation described under
2 section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation
3 under section 501 (a) of the Internal Revenue Code that is organized to raise funds
4 for a public broadcasting television station in this state.

5 (6) "Secretary" means the secretary of administration.

6 (7) "Transitional board" means the public broadcasting transitional board.

7 **39.82 Transitional board duties.** The transitional board shall do all of the
8 following:

9 (1) Draft and file articles of incorporation for a nonstock corporation under ch.
10 181 and take all actions necessary to exempt the corporation from federal taxation
11 under section 501 (c) (3) of the Internal Revenue Code.

12 (2) Provide in the articles of incorporation filed under sub. (1) that the initial
13 directors of the corporate board are the members of the transitional board.

14 (3) Draft bylaws for adoption by the corporate board under s. 181.0206 (2).

15 (4) Prepare an application for submission by the corporate board to the federal
16 communications commission to transfer all broadcasting licenses held by the
17 educational communications board and the board of regents of the University of
18 Wisconsin System, except licenses held by the board of regents for student radio, to
19 the broadcasting corporation.

20 (5) Negotiate an agreement with the association for the transfer to the
21 broadcasting corporation of funds raised by the association.

22 (6) Negotiate an agreement with each friends group in this state for the
23 transfer to the broadcasting corporation of funds raised by the friends group.

SENATE BILL 55**SECTION 1386**

1 **39.83 Duties of broadcasting corporation.** The broadcasting corporation
2 shall do each of the following as a condition for receiving state aid under s. 20.218
3 (1):

4 **(1)** Maintain a state system of radio broadcasting for presenting educational,
5 informational, and public service programs; formulate policies regulating the
6 operation of that state system; and coordinate the public radio activities of the
7 various educational and informational agencies, civic groups, and citizens that
8 contribute to the public interest and welfare.

9 **(2)** Maintain educational television channels reserved for this state and take
10 such action as is necessary to preserve such channels in this state for educational
11 use.

12 **(3)** Maintain a comprehensive state plan for the orderly operation of a
13 statewide television system for presenting noncommercial instructional programs
14 that will best serve the interests of the state.

15 **(4)** Work with the educational agencies and institutions of the state as
16 reviewer, adviser, and coordinator of their joint efforts to meet the educational needs
17 of the state through radio and television.

18 **(5)** Furnish leadership in securing adequate funding for statewide joint use of
19 radio and television for educational and cultural purposes, including funding for
20 media programming for broadcast over the state networks.

21 **(6)** Lease, purchase, or construct radio and television facilities for joint use
22 with state and local agencies, including facilities such as broadcast network and
23 production facilities, network interconnection or relay equipment, mobile units, and
24 other equipment available for statewide use.

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1 (7) Maintain radio and television transmission equipment in order to provide
2 broadcast service to all areas of this state.

3 (8) Establish and maintain a continuing evaluation of the effectiveness of the
4 joint efforts of all participating educational institutions in terms of jointly
5 established goals in the area of educational radio and television.

6 (9) Act as an information source for educational radio and television activities
7 in this state and provide such information to legislators, government offices,
8 educational institutions, and the general public.

9 (10) Provide educational programming for elementary and secondary schools
10 in this state and transmit public radio and television to remote and underserved
11 areas of the state.

12 (11) Enter into a contract with board of regents of the University of Wisconsin
13 System under s. 36.25 (5m) (b).

14 (12) Make the most effective use of its digital broadcasting spectrum.

15 **39.84 State aid. (1)** The broadcasting corporation may receive state aid under
16 s. 20.218 (1) if all of the following are satisfied:

17 (a) The articles of incorporation state that the purpose of the broadcasting
18 corporation is to provide public broadcasting to this state and that, if the
19 broadcasting corporation dissolves or discontinues public broadcasting in this state,
20 the broadcasting corporation shall, in good faith, take all reasonable measures to
21 transfer or assign the broadcasting corporation's assets, licenses, and rights to an
22 entity whose purpose is to advance public broadcasting in this state.

23 (b) The broadcasting corporation initially adopts the bylaws drafted by the
24 transitional board under s. 39.82 (3).

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1 (c) The broadcasting corporation permits public inspection and copying of any
2 record of the corporation, as defined in s. 19.32 (1), to the same extent as required
3 of, and subject to the same terms and enforcement provisions that apply to, an
4 authority under subch. II of ch. 19.

5 (d) The broadcasting corporation provides public access to its meetings to the
6 same extent as is required of, and subject to the same terms and enforcement
7 provisions that apply to, a governmental body under subch. V of ch. 19.

8 (e) The broadcasting corporation provides the secretary of administration, the
9 legislative audit bureau, and the legislative fiscal bureau access to all of the
10 broadcasting corporation's records, as defined in s. 19.32 (2), except records
11 identifying the names of private donors.

12 (f) 1. If the broadcast licenses of the educational communications board are
13 transferred to the broadcasting corporation, the broadcasting corporation carries out
14 any obligation of the educational communications board under any contract entered
15 into by the educational communications board that relates to the provision of public
16 broadcasting in this state until the contract is modified or rescinded by the
17 broadcasting corporation to the extent allowed under the contract and the
18 broadcasting corporation pays any outstanding state debt related to the state office
19 building as defined under s. 39.86 (1).

20 2. If the broadcast licenses of the board of regents of the University of Wisconsin
21 System, other than licenses for student radio, are transferred to the broadcasting
22 corporation, the broadcasting corporation carries out any obligation of the board of
23 regents of the University of Wisconsin System under any contract entered into by the
24 board of regents of the University of Wisconsin System that relates to the provision

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1 of public broadcasting in this state until the contract is modified or rescinded by the
2 broadcasting corporation to the extent allowed under the contract.

3 (2) The secretary of administration shall pay aid under s. 20.218 (1) to the
4 broadcasting corporation in instalments, as determined by the secretary.

5 **39.86 Transfer provisions. (1)** In this section, “state office building” means
6 the state office building located at 3319 West Beltline Highway in Dane County.

7 (2) (a) If the secretary of administration determines that the federal
8 communications commission has approved the transfer of all broadcasting licenses
9 held by the educational communications board to the broadcasting corporation, each
10 of the following applies:

11 1. Any asset of the state, other than the state office building and the assets
12 specified in subd. 3., that is used by the educational communications board and that,
13 as determined by the secretary of administration, is not a shared asset, as defined
14 in s. 16.26 (1) (b), is transferred to the broadcasting corporation. A transfer under
15 this subdivision takes effect on on the effective date of the last license transferred,
16 as determined by the secretary of administration under s. 39.87 (2) (a).

17 2. The secretary of administration shall transfer title to the state office building
18 from the state to the broadcasting corporation if the broadcasting corporation pays
19 \$476,228 to the foundation or the foundation waives such payment.

20 3. The assets of the state that, as determined by the secretary of
21 administration, are used by the educational communications board for the operation
22 of an emergency weather warning system are transferred to the department of
23 administration.

24 (b) Any asset transferred under par. (a) 1. or 2. shall revert to the state if the
25 asset is not used for the purpose of providing public broadcasting.

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1 **(2m)** (a) If the secretary of administration determines that the federal
2 communications commission has approved the transfer of all broadcasting licenses,
3 except licenses for student radio, held by the board of regents of the University of
4 Wisconsin System to the broadcasting corporation, any asset of the state, other than
5 the state office building and the assets specified in sub. (2) (a) 3., that is used by the
6 board of regents of the University of Wisconsin System and that, as determined by
7 the secretary of administration, is not a shared asset, as defined in s. 16.26 (1) (b),
8 is transferred to the broadcasting corporation. A transfer under this paragraph shall
9 take effect on on the effective date of the last license transferred as determined by
10 the secretary of administration under s. 39.87 (2) (b).

11 (b) Any asset transferred under par. (a) 1. or 2. shall revert to the state if the
12 asset is not used for the purpose of providing public broadcasting.

13 **(3)** If the secretary of administration determines that the federal
14 communications commission has approved the transfer of all broadcasting licenses
15 held by the educational communications board to the broadcasting corporation, each
16 of the following applies on the effective date of the last license transferred as
17 determined by the secretary of administration under s. 39.87 (2) (a):

18 (a) To the appropriation account under s. 20.218 (1), there is transferred the
19 unencumbered balance of the appropriation accounts under s. 20.225 (1) (a), (b), (d),
20 (eg), (er), and (f), except for the unencumbered balance of the appropriation accounts
21 that are otherwise transferred under sub. (4).

22 (b) To the appropriation account under s. 20.505 (9) (a), there is transferred the
23 unencumbered balance of the appropriation account under s. 20.225 (1) (kb) and the
24 amounts in the schedule for the appropriation account under s. 20.505 (9) (a) are

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1 increased by the amount transferred from the appropriation account under s. 20.225
2 (1) (kb).

3 (c) To the appropriation account under s. 20.505 (9) (k), there is transferred the
4 unencumbered balance of the appropriation accounts under s. 20.225 (1) (g), (h), (k),
5 and (m), and, to the extent allowed under federal law, the secretary of administration
6 shall pay the broadcasting corporation a grant equal to the amount of the
7 unencumbered balance of the appropriation account under s. 20.505 (9) (k).

8 (4) If the secretary of administration determines that the federal
9 communications commission has approved the transfer of all broadcasting licenses
10 held by the educational communications board to the broadcasting corporation, all
11 positions authorized for the educational communications board and the incumbent
12 employees holding the positions are transferred to the department of
13 administration. Employees transferred under this subsection have all rights and the
14 same status under subch. V of ch. 111 and ch. 230 that they enjoyed in the educational
15 communications board. Notwithstanding s. 230.28 (4), no employee so transferred
16 who has attained permanent status in class may be required to serve a probationary
17 period.

18 (5) All employees transferred to the department of administration under sub.
19 (4) shall provide broadcasting services to the broadcasting corporation under a
20 contract between the department of administration and the broadcasting
21 corporation for such services. The contract shall provide that the employees who are
22 providing services are supervised solely by the broadcasting corporation.

23 **39.87 License transfer determination.** The secretary shall determine each
24 of the following:

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1 **(1)** Whether the federal communications commission has approved the
2 transfer of all broadcasting licenses held by the educational communications board
3 and the board of regents of the University of Wisconsin System, except licenses held
4 by the board of regents for student radio, to the broadcasting corporation.

5 **(2)** (a) If the secretary determines that the federal communications commission
6 has approved the transfer of all the broadcasting licences held by the educational
7 communications board to the broadcasting corporation, the effective date of the
8 transfer of the last license transferred to the broadcasting corporation.

9 (b) If the secretary determines that the federal communications commission
10 has approved the transfer of all the broadcasting licences, except licenses for student
11 radio, held by the board of regents of the University of Wisconsin System to the
12 broadcasting corporation, the effective date of the transfer of the last license
13 transferred to the broadcasting corporation.

14 **SECTION 1387.** 40.02 (25) (b) 2m. of the statutes is amended to read:

15 40.02 **(25)** (b) 2m. A person employed by the department of workforce
16 development as a Wisconsin conservation corps crew leader or regional crew leader
17 employed by the Wisconsin conservation corps board for whom the Wisconsin
18 conservation corps board under s. 106.215 (10) (fm) for whom that department has
19 authorized group health care coverage under s. 106.215 (10) (fm).

20 **SECTION 1388.** 40.02 (26g) of the statutes is renumbered 40.02 (26g) (intro.) and
21 amended to read:

22 40.02 **(26g)** (intro.) “Employee-funded reimbursement account plan” means
23 a- any of the following:

24 (a) A plan in accordance with section 125 of the internal revenue code Internal
25 Revenue Code under which an employee may direct an employer to place part of the

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1 employee's gross compensation in an account to pay for certain future expenses of the
2 employee under section 125 of the ~~internal revenue code~~ Internal Revenue Code.

3 **SECTION 1389.** 40.02 (26g) (b) of the statutes is created to read:

4 40.02 **(26g)** (b) A plan in accordance with section 132 of the Internal Revenue
5 Code under which an employee may direct an employer to place part of the
6 employee's gross compensation in an account to pay for certain future expenses of the
7 employee under section 132 of the Internal Revenue Code.

8 **SECTION 1390.** 40.02 (54) (g) of the statutes is repealed.

9 **SECTION 1391.** 40.02 (54) (i) of the statutes is created to read:

10 40.02 **(54)** (i) The Fox River Navigational System Authority.

11 **SECTION 1392.** 40.03 (2) (v) of the statutes is created to read:

12 40.03 **(2)** (v) May settle any dispute in an appeal of a determination made by
13 the department that is subject to review under sub. (1) (j), (6) (i), (7) (f), or (8) (f), or
14 s. 40.80 (2g), but only with the approval of the board having the authority to accept
15 the appeal. In deciding whether to settle such a dispute, the secretary shall consider
16 the cost of litigation, the likelihood of success on the merits, the cost of delay in
17 resolving the dispute, the actuarial impact on the trust fund, and any other relevant
18 factor the secretary considers appropriate. Any moneys paid by the department to
19 settle a dispute under this paragraph shall be paid from the appropriation account
20 under s. 20.515 (1) (r).

21 **SECTION 1393.** 40.03 (2) (w) of the statutes is created to read:

22 40.03 **(2)** (w) If the secretary determines that an otherwise eligible participant
23 has unintentionally forfeited or otherwise involuntarily ceased to be eligible for any
24 benefit provided under this chapter principally because of an error in administration
25 by the department, may order the correction of the error to prevent inequity. A

SENATE BILL 55**SECTION 1393**

1 decision under this paragraph is not subject to review. The secretary shall submit
2 a quarterly report to the employee trust funds board on decisions made under this
3 paragraph.

4 **SECTION 1394.** 40.03 (6) (c) of the statutes is amended to read:

5 40.03 (6) (c) ~~Shall~~ Except as provided in par. (cm), shall not enter into any
6 agreements to modify or expand group insurance coverage in a manner which
7 conflicts with this chapter or rules of the department or materially affects the level
8 of premiums required to be paid by the state or its employees, or the level of benefits
9 to be provided, under any group insurance coverage. This restriction shall not be
10 construed to prevent modifications required by law, prohibit the group insurance
11 board from providing optional insurance coverages as alternatives to the standard
12 insurance coverage when any excess of required premium over the premium for the
13 standard coverage is paid by the employee or prohibit the group insurance board
14 from providing other plans as authorized under par. (b).

15 **SECTION 1395.** 40.03 (6) (cm) of the statutes is created to read:

16 40.03 (6) (cm) May enter into an agreement to modify or expand group
17 insurance coverage in a manner that materially affects the level of premiums
18 required to be paid by the state or its employees, or the level of benefits to be provided,
19 under any group insurance coverage, if the modification or expansion would reduce
20 the cost incurred by the state in providing group health insurance to state employees.

21 **SECTION 1396.** 40.04 (9m) (a) of the statutes is amended to read:

22 40.04 (9m) (a) Maintain a separate account in the fund for ~~the~~ each
23 employee-funded reimbursement account plan authorized under subch. VIII.

24 **SECTION 1397.** 40.04 (9m) (b) of the statutes is amended to read:

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1 40.04 **(9m)** (b) Credit to the ~~account~~ appropriate accounts established under
2 par. (a) money received from employees in connection with the each
3 employee-funded reimbursement account plan and income from investment of the
4 reserves in the account.

5 **SECTION 1398.** 40.04 (9m) (c) of the statutes is amended to read:

6 40.04 **(9m)** (c) Charge to the ~~account~~ appropriate accounts established under
7 par. (a) payments made to reimburse employee-funded reimbursement account plan
8 providers for payments made to employees under the each employee-funded
9 reimbursement account plan under subch. VIII.

10 **SECTION 1399.** 40.85 (2) (g) of the statutes is amended to read:

11 40.85 **(2)** (g) Deposit into the ~~account~~ appropriate accounts established under
12 s. 40.04 (9m) (a) that part of an employee's gross compensation that the employee
13 wants placed in an each employee-funded reimbursement account.

14 **SECTION 1400.** 40.86 (4) of the statutes is created to read:

15 40.86 **(4)** Transportation expenses authorized under section 132 of the Internal
16 Revenue Code.

17 **SECTION 1401.** 41.19 (1) (b) of the statutes is created to read:

18 41.19 **(1)** (b) "Nonprofit organization" has the meaning given in s. 108.02 (19).

19 **SECTION 1402.** 41.19 (2m) (c) (intro.) of the statutes is amended to read:

20 41.19 **(2m)** (c) (intro.) Subject to par. (d), from the appropriation under s. 20.380
21 (1) (bm), the department shall, in the fiscal biennium in which an area is selected
22 under par. (a), award a grant to the applicant on behalf of an the area ~~of the state~~
23 ~~selected under par. (a)~~ if all of the following apply:

24 **SECTION 1403.** 41.19 (2m) (d) of the statutes is amended to read:

SENATE BILL 55**SECTION 1403**

1 41.19 (2m) (d) The department may not, under par. (c), award to an applicant
2 on behalf of an area selected under par. (a) more than one grant per fiscal year ~~to an~~
3 ~~applicant on behalf of an area under par. (c) and may not or~~ award grants to the
4 applicant for more than 2 fiscal years. Grants awarded to an applicant under par.
5 (c) may not exceed \$25,000 in the first fiscal year, or \$15,000 in the 2nd fiscal year,
6 in which the applicant receives a grant under par. (c).

7 **SECTION 1404.** 41.19 (2r) of the statutes is created to read:

8 41.19 (2r) From the appropriation under s. 20.380 (1) (bm), the department
9 may award to a nonprofit organization that is located in an area of the state that was
10 selected under sub. (2m) (a) grants of up to \$5,000 in any fiscal year after the fiscal
11 biennium in which the area was selected under sub. (2m) (a). Grant proceeds must
12 be used to promote historic and prehistoric attractions in the area, and may be used
13 for such purposes as interpretive or directional signs, website development,
14 advertising, and public relations. The department may award grants under this
15 subsection to a nonprofit organization that received grants under sub. (2m) (c) as an
16 applicant on behalf of an area of the state selected under sub. (2m) (a).

17 **SECTION 1405.** 42.035 of the statutes is amended to read:

18 **42.035 Treatment of certain state fair park board employees.**

19 Notwithstanding s. 230.08 (2) (pm), those employees holding positions in the
20 classified service at the state fair park board on October 29, 1999, who have achieved
21 permanent status in class before that date, shall retain, while serving in the
22 unclassified service at the state fair park board, those protections afforded
23 employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating
24 to demotion, suspension, discharge, layoff or reduction in base pay. Such employees
25 shall also be eligible for transfer under s. 230.29 and shall have reinstatement

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1 privileges to the classified service under s. 230.33 (1m). Those employees of the state
2 fair park board on October 29, 1999, who have not achieved permanent status in class
3 in any position at the state fair park board on that date are eligible to receive the
4 protections, privileges and rights preserved under this section if they successfully
5 complete service equivalent to the probationary period required in the classified
6 service for the position that they hold on that date.

7 **SECTION 1406.** 43.01 (2) of the statutes is amended to read:

8 43.01 (2) "Division" means the division for libraries, technology, and
9 community learning in the department.

10 **SECTION 1407.** 43.17 (9) (b) of the statutes is amended to read:

11 43.17 (9) (b) A public library system board of a multicounty library system may
12 borrow money to accomplish any of its purposes, but the outstanding amount of such
13 loans at any time may not exceed an amount equal to the system board's receipts for
14 the prior fiscal year. A federated public library system whose territory lies within
15 2 or more counties may obtain a state trust fund loan to accomplish any of its
16 purposes, but the outstanding amount of a federated public library system's state
17 trust fund loans, together with all other indebtedness of the system, may not exceed
18 an amount equal to the system's receipts for the prior fiscal year.

19 **SECTION 1408.** 43.70 (2) of the statutes is amended to read:

20 43.70 (2) Annually, ~~within 40 days after December 1~~ by January 10, the state
21 superintendent shall apportion the amount that is estimated to be appropriated
22 under s. 20.255 (2) (s) in the current school year to the school districts in proportion
23 to the number of persons resident therein, as shown by the report certified under sub.
24 (1).

25 **SECTION 1409.** 43.70 (3) of the statutes is amended to read:

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1 43.70 (3) Immediately upon making such apportionment, the state
2 superintendent shall certify to the department of administration the ~~total~~ estimated
3 amount that each school district is entitled to receive under this section and shall
4 notify each school district administrator of the estimated amount so certified for his
5 or her school district. ~~Within 15 days after receiving such certification, the~~ The
6 department of administration shall issue its warrants upon which the state
7 treasurer shall ~~pay to each school district 50% of its total aid entitlement on or before~~
8 ~~January 31 and the balance on or before June 30, except that, beginning in the~~
9 ~~1999-2000 school year, the state treasurer shall distribute each school district's aid~~
10 ~~entitlement in one payment on or before June 30~~ May 1. The amount paid to each
11 school district shall be based upon the amount in the appropriation account under
12 s. 20.255 (2) (s) on April 15. All moneys distributed under this section shall be
13 expended for the purchase of library books and other instructional materials for
14 school libraries, but not for public library facilities operated by school districts under
15 s. 43.52, in accordance with rules promulgated by the state superintendent.
16 Appropriate records of such purchases shall be kept and necessary reports thereon
17 shall be made to the state superintendent.

18 **SECTION 1410.** 44.02 (28) of the statutes is repealed.

19 **SECTION 1411.** 44.025 (1) (intro.) of the statutes is amended to read:

20 44.025 (1) (intro.) The historical society may use funds from the appropriation
21 under s. 20.245 (4) ~~(1)~~ (t) only for the following purposes:

22 **SECTION 1412.** 44.025 (2) (b) of the statutes is amended to read:

23 44.025 (2) (b) The historical society shall transfer moneys from the
24 appropriation account under s. 20.245 (4) ~~(1)~~ (s) to the historical society endowment
25 fund to match moneys deposited into the historical society endowment fund under

SENATE BILL 55**SECTION 1412**

1 par. (a) and to match moneys committed or pledged for the purposes specified in sub.
2 (1).

3 **SECTION 1413.** 44.15 (4) of the statutes is amended to read:

4 44.15 (4) STATE-FUNDED MARKERS. The historical society may identify and
5 authorize construction of individual markers or plaques, or any series of markers or
6 plaques, to be funded from the appropriation under s. 20.245 ~~(3)~~ ~~(d)~~ (1) (a). No
7 matching funds are required for a marker or plaque that is constructed under this
8 subsection. Funds under this subsection may be used for the purchase of plaques to
9 be installed on historical properties and for the construction of markers or plaques
10 in other states or countries.

11 **SECTION 1414.** 44.34 (13) of the statutes is repealed.

12 **SECTION 1415.** 44.70 (1d) of the statutes is created to read:

13 44.70 (1d) "Charter school sponsor" means an entity described under s. 118.40
14 (2r) (b) that is sponsoring a charter school.

15 **SECTION 1416.** 44.70 (2g) of the statutes is amended to read:

16 44.70 (2g) "Educational agency" means a school district, charter school
17 sponsor, secured correctional facility, private school, cooperative educational service
18 agency, technical college district, private college, public library system, public library
19 board, the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin
20 School for the Deaf.

21 **SECTION 1417.** 44.70 (3d) of the statutes is created to read:

22 44.70 (3d) "Political subdivision" means any city, village, town, or county.

23 **SECTION 1418.** 44.70 (3r) of the statutes is created to read:

24 44.70 (3r) "Secured correctional facility" means the Southern Oaks Girls
25 School, the Ethan Allen School, and the Lincoln Hills School.

SENATE BILL 55**SECTION 1419**

1 **SECTION 1419.** 44.70 (4) of the statutes is amended to read:

2 44.70 (4) "Telecommunications" has the meaning given in s. ~~16.99 (1)~~ 22.01
3 (10).

4 **SECTION 1420.** 44.71 (2) (a) of the statutes is renumbered 44.71 (2), and 44.71
5 (2) (g) and (h), as renumbered, are amended to read:

6 44.71 (2) (g) Coordinate the purchasing of educational technology materials,
7 supplies, equipment, and contractual services for school districts, cooperative
8 educational service agencies, technical college districts, and the board of regents of
9 the University of Wisconsin System by the department under s. 16.72 (8), and, in
10 cooperation with the department and subject to the approval of the department of
11 electronic government, establish standards and specifications for purchases of
12 educational technology hardware and software by school districts, cooperative
13 educational service agencies, technical college districts, and the board of regents of
14 the University of Wisconsin System.

15 (h) Purchase With the approval of the department of electronic government,
16 purchase educational technology equipment for use by school districts, cooperative
17 educational service agencies, and public educational institutions in this state and
18 permit the districts, agencies, and institutions to purchase or lease the equipment,
19 with an option to purchase the equipment at a later date. This ~~subdivision~~
20 paragraph does not require the purchase or lease of any educational technology
21 equipment from the board.

22 **SECTION 1421.** 44.71 (2) (bm) of the statutes is repealed.

23 **SECTION 1422.** 44.72 (1) (intro.) of the statutes is amended to read:

24 44.72 (1) EDUCATIONAL TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE GRANTS.
25 (intro.) From the appropriation under s. 20.275 (1) (et), the board shall award grants

SENATE BILL 55**SECTION 1422**

1 to cooperative educational service agencies and to consortia consisting of 2 or more
2 school districts, charter school sponsors, secured correctional facilities, or
3 cooperative educational service agencies, or one or more school districts, charter
4 school sponsors, secured correctional facilities, or cooperative educational service
5 agencies and one or more public library boards, to provide technical assistance and
6 training in the use of educational technology. An applicant for a grant shall submit
7 to the board a plan that specifies the school districts, charter school sponsors, secured
8 correctional facilities, and public library boards that will participate in the program
9 and describes how the funds will be allocated. The board shall do all of the following:

10 **SECTION 1423.** 44.72 (2) (b) 1. d. of the statutes is created to read:

11 44.72 (2) (b) 1. d. For a charter school sponsor, “equalized valuation per
12 member” means equalized valuation, as defined in s. 121.004 (2), divided by
13 membership, as defined in s. 121.004 (5), of the school district operating under ch.
14 119.

15 **SECTION 1424.** 44.72 (2) (b) 2. of the statutes is amended to read:

16 44.72 (2) (b) 2. From the appropriation under s. 20.275 (1) (f), annually the
17 board shall pay \$5,000 to each eligible school district and \$5,000 to the department
18 of corrections for each eligible correctional facility. The department of corrections
19 shall allocate funds received under this subsection among the eligible secured
20 correctional facilities as it deems appropriate. The board shall distribute the balance
21 in the appropriation to eligible school districts and to charter school sponsors in
22 proportion to the weighted membership of each school district and charter school
23 sponsor, which shall be determined for a school district by dividing the statewide
24 average equalized valuation per member by the school district’s equalized valuation
25 per member and multiplying the result by the school district’s membership, as

SENATE BILL 55**SECTION 1424**

1 defined in s. 121.004 (5), and which shall be determined for a charter school sponsor
2 by dividing the statewide average equalized valuation per member by the charter
3 school sponsor's equalized valuation per member and multiplying the result by the
4 number of pupils attending the charter school on the 3rd Friday of September.

5 **SECTION 1425.** 44.72 (2) (c) of the statutes is amended to read:

6 44.72 (2) (c) A school district is eligible for a grant under par. (b) 2. only if the
7 annual meeting in a common school district, or the school board in a unified school
8 district or in a school district operating under ch. 119, adopts a resolution requesting
9 the grant. A secured correctional facility is eligible for a grant under par. (b) 2. only
10 if the secretary of corrections submits a written request to the board. A grant under
11 this subsection may not be used to replace funding available from other sources.

12 **SECTION 1426.** 44.72 (2) (d) of the statutes is amended to read:

13 44.72 (2) (d) A school district or secured correctional facility receiving a grant
14 under par. (b) shall deposit the moneys in a separate fund. The moneys may be used
15 for any purpose related to educational technology, except that a school district or
16 secured correctional facility may not use the moneys to pay the salary or benefits of
17 any school district or secured correctional facility employee. A charter school sponsor
18 that receives a grant under par. (b) may use the moneys for any purpose related to
19 educational technology that benefits the pupils attending the charter school, except
20 that a charter school sponsor may not use the moneys to pay the salary or benefits
21 of any charter school employee.

22 **SECTION 1427.** 44.72 (2) (dm) of the statutes is created to read:

23 44.72 (2) (dm) A school district receiving a grant under par. (b) shall submit an
24 annual report to the board concerning the specific purposes for which the school
25 district uses the grant.

SENATE BILL 55**SECTION 1428**

1 **SECTION 1428.** 44.72 (4) (a) of the statutes is renumbered 44.72 (4) (a) 1. and
2 amended to read:

3 44.72 (4) (a) 1. The board may provide financial assistance under this
4 ~~subsection~~ subdivision to school districts and charter school sponsors from the
5 proceeds of public debt contracted under s. 20.866 (2) (zc) and to public library boards
6 from the proceeds of public debt contracted under s. 20.866 (2) (zcm). Financial
7 assistance under this ~~subsection~~ subdivision may be used only for the purpose of
8 upgrading the electrical wiring of school and library buildings in existence on
9 October 14, 1997, and installing and upgrading computer network wiring.

10 **SECTION 1429.** 44.72 (4) (a) 2. of the statutes is created to read:

11 44.72 (4) (a) 2. The board may provide financial assistance under this
12 subdivision to public library boards from the proceeds of public debt contracted
13 under s. 20.866 (2) (zcp). Financial assistance under this subdivision may be used
14 only for the purpose of purchasing communications servers, routers, hubs, or
15 switches that enable a computer network in a library building to be directly
16 connected to the Internet. Financial assistance under this subdivision may not be
17 used for the purchase of personal computers. The board shall establish, on a per
18 building basis, the maximum amount of a financial assistance under this
19 subdivision.

20 **SECTION 1430.** 44.72 (4) (b) of the statutes is amended to read:

21 44.72 (4) (b) *Financial assistance applications, terms and conditions.* The
22 board shall establish application procedures for, and the terms and conditions of,
23 financial assistance under ~~this subsection~~ par. (a), including a condition requiring
24 a charter school sponsor to use financial assistance under par. (a) for wiring
25 upgrading and installation that benefits pupils attending the charter school. The

SENATE BILL 55**SECTION 1430**

1 procedures shall allow a public library board to apply for financial assistance under
2 par. (a) 1. or 2. or under both par. (a) 1. and 2. The board shall make a loan to a school
3 district, charter school sponsor, or public library board in an amount equal to 50%
4 of the total amount of financial assistance for which the board determines the school
5 district, charter school sponsor, or public library board is eligible and provide a grant
6 to the school district, charter school sponsor, or public library board for the remainder
7 of the total. The terms and conditions of any financial assistance under ~~this~~
8 ~~subsection~~ par. (a) 1. or 2. may include provision of professional building construction
9 services under s. 16.85 (15). The terms and conditions of any financial assistance
10 under par. (a) 2. shall require the recipient to apply for a rate discount under 47 USC
11 254 for any servers, routers, hubs, or switches that are purchased with the financial
12 assistance. The board shall determine the interest rate on loans under ~~this~~
13 ~~subsection~~ par. (a). The interest rate shall be as low as possible but shall be sufficient
14 to fully pay all interest expenses incurred by the state in making the loans and to
15 provide reserves that are reasonably expected to be required in the judgment of the
16 board to ensure against losses arising from delinquency and default in the
17 repayment of the loans. The term of a loan under ~~this subsection~~ par. (a) 1. may not
18 exceed 10 years and the term of a loan under par. (a) 2. may not exceed 4 years.

19 **SECTION 1431.** 44.72 (4) (c) of the statutes is amended to read:

20 44.72 (4) (c) *Repayment of loans.* The board shall credit all moneys received
21 from school districts and charter school sponsors for repayment of loans under this
22 subsection to the appropriation account under s. 20.275 (1) (h). The board shall credit
23 all moneys received from public library boards for repayment of loans under this
24 subsection to the appropriation account under s. 20.275 (1) (hb).

25 **SECTION 1432.** 44.72 (4) (d) of the statutes is amended to read:

SENATE BILL 55**SECTION 1432**

1 44.72 (4) (d) *Funding for financial assistance.* The board, with the approval
2 of the governor and subject to the limits of s. 20.866 (2) (zc) ~~and, (zcm), and (zcp)~~, may
3 request that the building commission contract public debt in accordance with ch. 18
4 to fund financial assistance under this subsection.

5 **SECTION 1433.** 44.73 (1) of the statutes is amended to read:

6 44.73 (1) Except as provided in s. 196.218 (4t), the board, in consultation with
7 the department and subject to the approval of the department of electronic
8 government, shall promulgate rules establishing an educational
9 telecommunications access program to provide educational agencies with access to
10 data lines and video links.

11 **SECTION 1434.** 44.73 (2) (a) of the statutes is amended to read:

12 44.73 (2) (a) Allow an educational agency to make a request to the board for
13 access to either one data line or one video link, except that any educational agency
14 may request access to additional data lines if the agency shows to the satisfaction of
15 the board that the additional data lines are more cost-effective than a single data
16 line and except that a school district that operates more than one high school or a
17 public library board that operates more than one library facility may request access
18 to both a data line and a video link and access to more than one data line or video link.

19 **SECTION 1435.** 44.73 (2) (b) of the statutes is amended to read:

20 44.73 (2) (b) Establish eligibility requirements for an educational agency to
21 participate in the program established under sub. (1), including a requirement that
22 a charter school sponsor use data lines and video links to benefit pupils attending the
23 charter school.

24 **SECTION 1436.** 44.73 (2) (f) of the statutes is created to read:

SENATE BILL 55**SECTION 1436**

1 44.73 (2) (f) Ensure that secured correctional facilities that receive access
2 under this section to data lines and video links use them only for educational
3 purposes.

4 **SECTION 1437.** 44.73 (2g) of the statutes is created to read:

5 44.73 (2g) An educational agency that is provided access to a data line under
6 the program established under sub. (1) may not do any of the following:

7 (a) Provide access to the data line to any business entity, as defined in s. 13.62
8 (5).

9 (b) Request access to an additional data line for purposes of providing access
10 to bandwidth to a political subdivision under a shared service agreement under sub.
11 (2r) (a).

12 **SECTION 1438.** 44.73 (2r) of the statutes is created to read:

13 44.73 (2r) (a) A public library board that is provided access to a data line under
14 the program established under sub. (1) may enter into a shared service agreement
15 with a political subdivision that provides the political subdivision with access to any
16 excess bandwidth on the data line that is not used by the public library board, except
17 that a public library board may not sell, resell, or transfer in consideration for money
18 or anything of value to a political subdivision access to any excess bandwidth. A
19 shared service agreement under this paragraph is not valid unless the agreement
20 allows the public library board to cancel the agreement at any time after providing
21 notice to the political subdivision.

22 (b) A political subdivision that obtains access to bandwidth under a shared
23 service agreement under par. (a) may not receive compensation for providing any
24 other person with access to the bandwidth.

SENATE BILL 55**SECTION 1438**

1 (c) A public library board shall provide the technology for educational
2 achievement in Wisconsin board with written notice within 30 days after entering
3 into or modifying a shared service agreement under par. (a).

4 **SECTION 1439.** 44.73 (3) of the statutes is amended to read:

5 44.73 (3) The board shall submit an annual report to the department on the
6 status of providing data lines and video links that are requested under sub. (2) (a)
7 and the impact on the universal service fund of any payment under contracts under
8 s. 16.974 (7).

9 **SECTION 1440.** 44.73 (6) of the statutes is amended to read:

10 44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
11 award an annual grant to a school district or private school that had in effect on
12 October 14, 1997, a contract for access to a data line or video link, as documented by
13 the board. The board shall determine the amount of the grant, which shall be equal
14 to the cost incurred by the state to provide telecommunications access to a school
15 district or private school under a contract entered into under s. 16.974 (7) ~~(a) or (e)~~
16 (1) or (3) less the amount that the school district or private school would be paying
17 under sub. (2) (d) if the school district or private school were participating in the
18 program established under sub. (1), except that the amount may not be greater than
19 the cost that a school district or private school incurs under the contract in effect on
20 October 14, 1997. A school district or private school receiving a grant under this
21 subsection is not eligible to participate in the program under sub. (1). No grant may
22 be awarded under this subsection after June 30, 2002.

23 **SECTION 1441.** 45.01 of the statutes is renumbered 45.014.

24 **SECTION 1442.** 45.25 (1) of the statutes is amended to read:

SENATE BILL 55**SECTION 1442**

1 45.25 (1) ADMINISTRATION. The department of veterans affairs shall administer
2 a tuition and fee reimbursement program for eligible veterans enrolling as
3 undergraduates in any institution of higher education, as defined in s. 45.396 (1) (a),
4 in this state, enrolling in a school that is approved under s. 45.35 (9m), enrolling in
5 a proprietary school that is approved under s. 45.54, or receiving a waiver of
6 nonresident tuition under s. 39.47.

7 **SECTION 1443.** 45.25 (2) (d) of the statutes is amended to read:

8 45.25 (2) (d) The individual is a resident at the time of application for the
9 tuition and fee reimbursement program and was a Wisconsin resident at the time of
10 entry or reentry into service or was a resident for any consecutive ~~5-year~~ 12-month
11 period after entry or reentry into service and before the date of his or her application.
12 If a person applying for a benefit under this section meets ~~that 5-consecutive-year~~
13 the residency requirement of 12 consecutive months, the department may not
14 require the person to reestablish that he or she meets ~~the 5-consecutive-year~~ that
15 residency requirement when he or she later applies for any other benefit under this
16 chapter that requires ~~a 5-consecutive-year~~ that residency.

17 **SECTION 1444.** 45.25 (3) (a) of the statutes is amended to read:

18 45.25 (3) (a) ~~Except as provided in par. (am), an~~ An individual who meets the
19 requirements under sub. (2), upon satisfactory completion of a full-time
20 undergraduate semester in any institution of higher education, as defined in s.
21 45.396 (1) (a), in this state, any school that is approved under s. 45.35 (9m), any
22 proprietary school that is approved under s. 45.54, or any institution from which the
23 individual receives a waiver of nonresident tuition under s. 39.47, may be
24 reimbursed ~~for up to 65%~~ an amount not to exceed the total cost of the individual's
25 tuition and fees. ~~The reimbursement under this paragraph is limited to a maximum~~

SENATE BILL 55**SECTION 1444**

1 of ~~65% of~~ minus any grants or scholarships, including those made under s. 21.49, that
2 the individual receives specifically for the payment of the tuition or fees, or the
3 standard cost for a state resident for an equivalent undergraduate course at the
4 University of Wisconsin-Madison per course ~~or the difference between the~~
5 ~~individual's tuition and fees and the grants or scholarships, including those made~~
6 ~~under s. 21.49, that the individual receives specifically for the payment of the tuition~~
7 ~~or fees, whichever is less.~~ Reimbursement is available only for tuition and fees that
8 are part of a curriculum that is relevant to a degree in a particular course of study
9 at the institution.

10 **SECTION 1445.** 45.25 (3) (am) of the statutes is repealed.

11 **SECTION 1446.** 45.25 (3) (b) (intro.) of the statutes is amended to read:

12 45.25 (3) (b) (intro.) An application for reimbursement of tuition and fees under
13 par. (a) ~~or (am)~~ shall meet all of the following requirements:

14 **SECTION 1447.** 45.25 (4) (a) of the statutes is amended to read:

15 45.25 (4) (a) An individual is not eligible for reimbursement under sub. (2) for
16 more than 120 credits or 8 full semesters of full-time study at any institution of
17 higher education, as defined in s. 45.396 (1) (a), in this state, 60 credits or 4 full
18 semesters of full-time study at any institution of higher education, as defined in s.
19 45.396 (1) (a), in this state that offers a degree upon completion of 60 credits, or an
20 equivalent amount of credits at a school that is approved under s. 45.35 (9m), at a
21 proprietary school that is approved under s. 45.54, or at an institution where he or
22 she is receiving a waiver of nonresident tuition under s. 39.47.

23 **SECTION 1448.** 45.35 (2) of the statutes is renumbered 45.012 and amended to
24 read:

SENATE BILL 55**SECTION 1448**

1 **45.012 Definition.** In this ~~chapter~~ subchapter, “board” means the board of
2 veterans affairs.

3 **SECTION 1449.** 45.35 (2g) of the statutes is created to read:

4 **45.35 (2g) DEFINITION.** In this section, “department” means the department of
5 veterans affairs.

6 **SECTION 1450.** 45.35 (3d) (a) of the statutes is amended to read:

7 **45.35 (3d) (a)** The council on veterans programs created under s. 15.497 shall
8 advise the board of ~~veterans affairs~~ and the department of ~~veterans affairs~~ on
9 solutions and policy alternatives relating to the problems of veterans.

10 **SECTION 1451.** 45.35 (3d) (b) of the statutes is amended to read:

11 **45.35 (3d) (b)** The council on veterans programs and the department of
12 ~~veterans affairs~~, jointly or separately, shall submit a report regarding the council on
13 veterans programs to the chief clerk of each house of the legislature for distribution
14 to the legislature under s. 13.172 (2) by November 1, 1989, and by September 30 of
15 every odd-numbered year thereafter. The report shall include a general summary
16 of the activities and membership over the past 2 years of the council and each
17 organization on the council.

18 **SECTION 1452.** 45.35 (5) (a) 2. c. of the statutes is amended to read:

19 **45.35 (5) (a) 2. c.** Has been a resident of this state for any consecutive ~~5-year~~
20 12-month period after entry or reentry into service and before the date of his or her
21 application or death. If a person applying for a benefit under this subchapter meets
22 ~~that 5-consecutive-year~~ that residency requirement of 12 consecutive months, the
23 department may not require the person to reestablish that he or she meets ~~the~~
24 ~~5-consecutive-year~~ that residency requirement when he or she later applies for any
25 other benefit under this chapter that requires ~~a 5-consecutive-year~~ that residency.

SENATE BILL 55**SECTION 1453**

1 **SECTION 1453.** 45.35 (5) (e) 8. of the statutes is amended to read:

2 45.35 (5) (e) 8. Persian Gulf war: Between August 1, 1990, and the ending date
3 of Operation Desert Shield or the ending date of Operation Desert Storm as
4 established by the department of veterans affairs by rule.

5 **SECTION 1454.** 45.351 (1) of the statutes is amended to read:

6 45.351 (1) SUBSISTENCE GRANTS. The department may grant subsistence aid to
7 any incapacitated individual who is a veteran or to any a dependent of a veteran in
8 an amount that the department determines is advisable to prevent want or distress.
9 The department may grant subsistence aid under this subsection to an individual
10 whose incapacitation is the result of the individual's abuse of alcohol or other drugs.

11 The department may grant subsistence aid on a month-to-month basis or for a
12 3-month period. The department may grant subsistence aid for a 3-month period
13 if the veteran or dependent whose incapacity is the basis for the aid will be
14 incapacitated for more than 3 months and if earned or unearned income or aid from
15 sources other than those listed in the application will not be available in the 3-month
16 period. Subsistence aid is limited to a maximum of 3 months in a 12-month period
17 unless the department determines that the need for subsistence aid in excess of this
18 maximum time period is caused by the aid recipient's relapse. The department may
19 submit a request to the joint committee on finance for supplemental funds from the
20 veterans trust fund to be credited to the appropriation account under s. 20.485 (2)
21 (vm) for subsistence grants to veterans. If the cochairpersons of the committee do
22 not notify the secretary of the department within 14 working days after the date of
23 the department's submittal that the committee intends to schedule a meeting to
24 review the request, the appropriation account shall be supplemented as provided in
25 the request. If, within 14 working days after the date of the department's submittal,

SENATE BILL 55**SECTION 1454**

1 the cochairpersons of the committee notify the secretary of the department that the
2 committee intends to schedule a meeting to review the request, the appropriation
3 account shall be supplemented only as approved by the committee.

4 **SECTION 1455.** 45.351 (1j) of the statutes is repealed.

5 **SECTION 1456.** 45.351 (2m) of the statutes is created to read:

6 45.351 (2m) GRANTS FOR EYE AND DENTAL CARE. From the appropriation under
7 s. 20.485 (2) (vg), the department may award grants to eligible veterans or their
8 dependents for the costs of eyeglasses, contact lenses, hearing aids, and basic dental
9 care, including dentures. The department shall promulgate rules establishing
10 criteria and procedures for awarding grants under this subsection, including rules
11 that specify the financial eligibility requirements and application procedures.

12 **SECTION 1457.** 45.353 (2) of the statutes is amended to read:

13 45.353 (2) Upon application the department shall make a payment to any state
14 veterans organization that establishes that it, or its national organization, or both,
15 has maintained a full-time service office at the regional office for at least 5 of the 10
16 years preceding the date of application. The payment shall equal 25% of all salaries
17 and travel expenses under sub. (3) paid during the previous fiscal year by the state
18 veterans organization to employees engaged in veterans claims service and stationed
19 at the regional office, except that the sum paid to a state veterans organization
20 annually shall not be less than either \$2,500, or the amount of salaries and travel
21 expenses paid by the state veterans organization to employees stationed at the
22 regional office, whichever is less, nor more than ~~\$20,000~~ \$30,000.

23 **SECTION 1458.** 45.353 (3m) of the statutes is created to read:

SENATE BILL 55**SECTION 1458**

1 45.353 (3m) From the appropriation under s. 20.485 (2) (s), the department
2 shall annually provide a grant of \$100,000 to the Wisconsin department of the
3 Disabled American Veterans for the provision of transportation services to veterans.

4 **SECTION 1459.** 45.356 (2) of the statutes is amended to read:

5 45.356 (2) The department may lend make a loan to a veteran, a veteran's
6 unremarried spouse, or a deceased veteran's child who meets the requirements of s.
7 45.35 (5m) (a) 2. ~~not more than \$15,000 or a lesser amount established by the~~
8 ~~department by rule for the purchase of a mobile home, business, or business property,~~
9 the education of the veteran or his or her spouse or children, the payment of medical
10 or funeral expenses, the payment under sub. (6) (c), or the consolidation of debt. The
11 department shall determine the amount of each loan made under this subsection by
12 applying the criteria specified in rules promulgated under sub. (7) (bm), except that
13 no loan may exceed \$15,000. The department may prescribe loan conditions, but the
14 term of the loan may not exceed 10 years. The department shall ensure that the
15 proceeds of any loan made under this section shall first be applied to pay any
16 delinquent child support or maintenance payments and to pay any past support,
17 medical expenses, or birth expenses.

18 **SECTION 1460.** 45.356 (3) of the statutes is amended to read:

19 45.356 (3) The department may ~~lend not more than \$15,000 or a lesser amount~~
20 ~~established by the department by rule~~ make a loan to a veteran's remarried surviving
21 spouse or to the parent of a deceased veteran's child for the education of a child who
22 meets the requirements of s. 45.35 (5m) (a) 2. The department shall determine the
23 amount of each loan made under this subsection by applying the criteria specified
24 in rules promulgated under sub. (7) (bm), except that no loan may exceed \$15,000.

25 **SECTION 1461.** 45.356 (7) (bm) of the statutes is created to read:

SENATE BILL 55**SECTION 1461**

1 45.356 (7) (bm) Criteria for determining the amount of each loan made under
2 subs. (2) and (3).

3 **SECTION 1462.** 45.37 (3) of the statutes is amended to read:

4 45.37 (3) EXCEPTIONS TO THE BASIC ELIGIBILITY REQUIREMENTS. A veteran who
5 was not a resident of this state at the time of enlistment or induction into service but
6 who is otherwise qualified for membership may be admitted if the veteran has been
7 a resident of this state for any consecutive ~~5-year~~ 12-month period after enlistment
8 or induction into service and before the date of his or her application. If a person
9 applying for a benefit under this subchapter meets ~~that 5-consecutive-year~~ the
10 residency requirement of 12 consecutive months, the department may not require
11 the person to reestablish that he or she meets ~~the 5-consecutive-year~~ that residency
12 requirement when he or she later applies for any other benefit under this chapter
13 that requires ~~a 5-consecutive-year~~ residency.

14 **SECTION 1463.** 45.37 (6) (f) of the statutes is amended to read:

15 45.37 (6) (f) Has been a resident of this state for the ~~5-years~~ 12 months
16 immediately preceding the date of application for membership.

17 **SECTION 1464.** 45.37 (7) (b) of the statutes is amended to read:

18 45.37 (7) (b) Has been a resident of this state for the ~~5-years~~ next 12-months
19 preceding the date of application for membership; and

20 **SECTION 1465.** 45.396 (1) (a) of the statutes is amended to read:

21 45.396 (1) (a) "Institution of higher education" has the meaning given in ~~20~~
22 ~~USC 1088 (a)~~ 20 USC 1001 (a).

23 **SECTION 1466.** 45.396 (2) of the statutes is amended to read:

24 45.396 (2) Any veteran upon the completion of any correspondence course or
25 part-time classroom study from an institution of higher education located in this

SENATE BILL 55**SECTION 1466**

1 state, from a school that is approved under s. 45.35 (9m), from a proprietary school
2 that is approved under s. 45.54, or from any public or private high school may be
3 reimbursed in part for the cost of the course by the department upon presentation
4 to the department of a certificate from the school indicating that the veteran has
5 completed the course and stating the cost of the course and upon application for
6 reimbursement completed by the veteran and received by the department no later
7 than 60 days after the termination of the course for which the application for
8 reimbursement is made. The department shall accept and process an application
9 received more than 60 days after the termination of the course if the applicant shows
10 good cause for the delayed receipt. The department may not require that an
11 application be received sooner than 60 days after a course is completed. Benefits
12 granted under this section shall be paid out of the appropriation under s. 20.485 (2)
13 (th).

14 **SECTION 1467.** 45.396 (3) (intro.) of the statutes is amended to read:

15 45.396 (3) (intro.) A veteran who is a resident of this state and otherwise
16 qualified to receive benefits under this section may receive the benefits under this
17 section upon the completion of any correspondence courses or part-time classroom
18 study from an institution of higher education located outside this state, from a school
19 that is approved under s. 45.35 (9m), or from a proprietary school that is approved
20 under s. 45.54, if any of the following applies:

21 **SECTION 1468.** 45.396 (5) of the statutes is amended to read:

22 45.396 (5) ~~Except as provided in sub. (9), the~~ The amount of the reimbursement
23 may not exceed ~~65% of the~~ the total cost of tuition and fees and ~~shall also be limited~~
24 ~~to a maximum of 65% of~~ or the standard cost for a state resident for tuition and fees
25 for an equivalent undergraduate course at the University of Wisconsin-Madison per

SENATE BILL 55**SECTION 1468**

1 course, whichever is less, and may not be provided to an individual more than 4 times
2 during any consecutive 12-month period.

3 **SECTION 1469.** 45.396 (9) of the statutes is repealed.

4 **SECTION 1470.** 45.397 (1) of the statutes is amended to read:

5 45.397 (1) GRANT AMOUNT AND APPLICATION. The department may grant a
6 veteran not more than \$3,000 for retraining to enable the veteran to obtain gainful
7 employment. The department shall determine the amount of the grant based on the
8 veteran's financial need. A veteran may apply for a grant to the county veterans'
9 service officer of the county in which the veteran is living. The department may, on
10 behalf of a veteran who is engaged in a structured on-the-job training program and
11 who meets the requirements under sub. (2), pay a retraining grant under this
12 subsection to the veteran's employer.

13 **SECTION 1471.** 45.54 (2) of the statutes is amended to read:

14 45.54 (2) PURPOSE. The purpose of the board is to ~~approve schools and courses~~
15 ~~of instruction for the training of veterans of the armed forces and war orphans~~
16 ~~receiving assistance from the federal government~~, protect the general public by
17 inspecting and approving private trade, correspondence, business, and technical
18 schools doing business within this state whether located within or outside this state,
19 changes of ownership or control of these schools, teaching locations used by these
20 schools, and courses of instruction offered by these schools and to regulate the
21 soliciting of students for correspondence or classroom courses and courses of
22 instruction offered by these schools.

23 **SECTION 1472.** 45.54 (6) of the statutes is renumbered 45.35 (9m), and 45.35
24 (9m) (a), as renumbered, is amended to read:

SENATE BILL 55**SECTION 1472**

1 45.35 **(9m)** (a) Except as provided in par. (b), the ~~board~~ department shall be the
2 state approval agency for the education and training of veterans and war orphans.
3 ~~It~~ The department shall approve and supervise schools and courses of instruction for
4 ~~their~~ the training of veterans and war orphans under Title 38, USC, and may enter
5 into and receive money under contracts with the U.S. department of veterans affairs
6 or other appropriate federal agencies.

7 **SECTION 1473.** 45.71 (16) (a) 2m. a. of the statutes is amended to read:

8 45.71 **(16)** (a) 2m. a. Has been a resident of this state for any consecutive ~~5-year~~
9 12-month period after enlistment or induction into service and before the date of his
10 or her application or death. If a person applying for a benefit under this subchapter
11 meets ~~that 5-consecutive-year~~ the residency requirement of 12 consecutive months,
12 the department may not require the person to reestablish that he or she meets ~~the~~
13 ~~5-consecutive-year~~ that residency requirement when he or she applies for any other
14 benefit under this chapter that requires ~~a 5-consecutive-year~~ that residency.

15 **SECTION 1474.** 45.76 (1) (c) of the statutes is amended to read:

16 45.76 **(1)** (c) *Home improvements.* A loan of not more than \$25,000 to improve
17 a home, including the construction of a garage or the removal or other alteration of
18 existing improvements that were made to improve the accessibility of a home for a
19 disabled individual.

20 **SECTION 1475.** 45.79 (3) (b) of the statutes is amended to read:

21 45.79 **(3)** (b) *Casualty insurance coverage.* Mortgages given to secure loans
22 under this section shall provide for adequate fire and extended coverage insurance.
23 Policies providing such insurance coverage shall name the authorized lender
24 ~~involved~~ or the department as an insured.

25 **SECTION 1476.** 45.79 (5) (a) 6. of the statutes is amended to read:

SENATE BILL 55**SECTION 1476**

1 45.79 (5) (a) 6. Require borrowers to make monthly escrow payments to be held
2 by the authorized lender or the department for real estate taxes and casualty
3 insurance premiums ~~which. The authorized lender or, if the department holds the~~
4 payments in escrow, the department shall be paid by the authorized lender where
5 due to the extent of the amounts owing thereon or to the extent escrowed, whichever
6 is less pay all of the amounts due for real estate taxes and casualty insurance
7 premiums, even if the amount held in escrow is insufficient to cover the amounts due.
8 If the amount held in escrow is insufficient to cover the amounts due, the authorized
9 lender or, if the department holds the payments in escrow, the department shall
10 recover from the borrower, after paying the amounts due under this subdivision, an
11 amount equal to the difference between the amounts paid and the amount held in
12 escrow. If the amount held in escrow is more than the amounts due, the authorized
13 lender or, if the department holds the payments in escrow, the department shall
14 refund to the borrower, after paying the amounts due under this subdivision, an
15 amount equal to the difference between the amount held in escrow and the amounts
16 paid by the authorized lender or the department.

17 **SECTION 1477.** 45.79 (5) (a) 10. of the statutes is created to read:

18 45.79 (5) (a) 10. Service loans made under this section and purchase from
19 authorized lenders the servicing rights for loans made by authorized lenders under
20 this section.

21 **SECTION 1478.** 45.79 (5) (b) of the statutes is amended to read:

22 45.79 (5) (b) 1. ~~Persons~~ Veterans receiving loans under this section shall pay
23 at the time of closing an origination fee to the authorized lender participating in the
24 loan, except that the department shall pay, on behalf of a veteran who receives a loan
25 under this section and who has at least a 30% service connected disability rating for

SENATE BILL 55**SECTION 1478**

1 purposes of 38 USC 1114 or 1134, the origination fee to the authorized lender. The
2 origination fee charged to ~~borrowers~~ under this section paragraph shall be
3 negotiated between the department and the authorized lender but may not exceed
4 that which the authorized lender would charge other borrowers in the ordinary
5 course of business under the same or similar circumstances.

6 **SECTION 1479.** 45.79 (7) (a) (intro.) of the statutes is amended to read:

7 45.79 (7) (a) (intro.) There is created the veterans mortgage loan repayment
8 fund. All moneys received by the department for the repayment of loans funded
9 under sub. (6) (a) except for servicing fees required to be paid to authorized lenders,
10 net proceeds from the sale of mortgaged properties, any repayment to the
11 department of moneys paid to authorized lenders, gifts, grants, other
12 appropriations, and interest earnings accruing thereon, any repayment of moneys
13 borrowed under s. 45.356 (9) (a), all moneys received under sub. (5) (a) 6., and any
14 moneys deposited or transferred under s. 18.04 (6) (b) or (d) shall be promptly
15 deposited into the veterans mortgage loan repayment fund. The board shall
16 establish by resolution a system of accounts providing for the maintenance and
17 disbursement of moneys of the veterans mortgage loan repayment fund to fund loans
18 under sub. (6) (a) or to fund, refund, or acquire public debt as provided in s. 18.04 (5).
19 The system of accounts shall record and provide moneys for all of the following
20 purposes:

21 **SECTION 1480.** 45.79 (7) (a) 4. of the statutes is amended to read:

22 45.79 (7) (a) 4. Payment of all costs incurred by the department in processing
23 and servicing loans, purchasing servicing rights for loans under this section, and
24 accounting for and administering the program under this section, including a portion
25 of grants made to county veterans' service officers under s. 45.43 (7).

SENATE BILL 55**SECTION 1481**

1 **SECTION 1481.** 45.79 (7) (a) 10. of the statutes is created to read:

2 45.79 (7) (a) 10. Payment of origination fees, on behalf of veterans who have
3 at least a 30% service connected disability rating for purposes of 38 USC 1114 or 1134,
4 to authorized lenders under sub. (5) (b).

5 **SECTION 1482.** 45.79 (7) (a) 11. of the statutes is created to read:

6 45.79 (7) (a) 11. To make payments required of the department under sub. (5)
7 (a) 6.

8 **SECTION 1483.** 46.03 (34) of the statutes is amended to read:

9 46.03 (34) FETAL ALCOHOL SYNDROME AND DRUG DANGER PAMPHLETS. The
10 department shall acquire, without cost if possible, pamphlets that describe the
11 causes and effects of fetal alcohol syndrome and the dangers to a fetus of the mother's
12 use of cocaine or other drugs during pregnancy and shall distribute the pamphlets
13 free of charge to each county clerk in sufficient quantities so that each county clerk
14 may provide pamphlets to marriage license applicants under s. 765.12 (1) (a).

15 **SECTION 1484.** 46.031 (2r) (a) 3. of the statutes is amended to read:

16 46.031 (2r) (a) 3. Is for the treatment of alcoholics in treatment facilities which
17 have not been approved by the department in accordance with s. ~~51.45(8)~~ 51.04 (1)
18 or conditionally approved by the department in accordance with s. 51.04 (3).

19 **SECTION 1485.** 46.036 (5m) (a) 1. of the statutes is amended to read:

20 46.036 (5m) (a) 1. "Provider" means a nonstock corporation organized under
21 ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), and that
22 contracts under this section to provide client services on the basis of a unit rate per
23 client service or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437
24 that contracts under this section to provide client services on the basis of a unit rate
25 per client service.

SENATE BILL 55**SECTION 1486**

1 **SECTION 1486.** 46.036 (5m) (b) 1. of the statutes is amended to read:

2 46.036 **(5m)** (b) 1. Subject to subd. 2. and pars. (e) and (em), if revenue under
3 a contract for the provision of a rate-based service exceeds allowable costs incurred
4 in the contract period, the provider may retain from the surplus generated by that
5 rate-based service up to 5% of the revenue received under the contract. A provider
6 that retains a surplus under this subdivision shall use that retained surplus to cover
7 a deficit between revenue and allowable costs incurred in any preceding or future
8 contract period for the same rate-based service that generated the surplus or to
9 address the programmatic needs of clients served by the same rate-based service
10 that generated the surplus.

11 **SECTION 1487.** 46.036 (5m) (b) 2. of the statutes is amended to read:

12 46.036 **(5m)** (b) 2. ~~A~~ Subject to pars. (e) and (em), a provider may accumulate
13 funds from more than one contract period under this paragraph, except that, if at the
14 end of a contract period the amount accumulated from all contract periods for a
15 rate-based service exceeds 10% of the revenue received under all current contracts
16 for that rate-based service, the provider shall, at the request of a purchaser, return
17 to that purchaser the purchaser's proportional share of that excess and use any of
18 that excess that is not returned to a purchaser to reduce the provider's unit rate per
19 client for that rate-based service in the next contract period. If a provider has held
20 for 4 consecutive contract periods an accumulated reserve for a rate-based service
21 that is equal to or exceeds 10% of the revenue received under all current contracts
22 for that rate-based service, the provider shall apply 50% of that accumulated
23 amount to reducing its unit rate per client for that rate-based service in the next
24 contract period.

25 **SECTION 1488.** 46.036 (5m) (e) of the statutes is amended to read:

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1 46.036 **(5m)** (e) Notwithstanding ~~this subsection~~ par. (b) 1. and 2., the
2 department or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437
3 that purchases care and services from an inpatient alcohol and other drug abuse
4 treatment program that is not affiliated with a hospital and that is licensed as a
5 community-based residential facility, may allocate to the program an amount that
6 is equal to the amount of revenues received by the program that are in excess of the
7 allowable costs incurred in the period of a contract between the program and the
8 department or the county department for purchase of care and services under this
9 section. The department or the county department may make the allocation under
10 this paragraph only if the funds so allocated do not reduce any amount of
11 unencumbered state aid to the department or the county department that otherwise
12 would lapse to the general fund.

13 **SECTION 1489.** 46.036 (5m) (em) of the statutes is created to read:

14 46.036 **(5m)** (em) Notwithstanding pars. (b) 1. and 2. and (e), a county
15 department under s. 46.215, 51.42, or 51.437 providing client services in a county
16 having a population of 500,000 or more or a nonstock, nonprofit corporation
17 providing client services in such a county may not retain a surplus under par. (b) 1.,
18 accumulate funds under par. (b) 2., or allocate an amount under par. (e) from
19 revenues that are used to meet the maintenance-of-effort requirement under the
20 federal temporary assistance for needy families program under 42 USC 601 to 619.

21 **SECTION 1490.** 46.043 (2) of the statutes is amended to read:

22 46.043 **(2)** Services under this section may be provided only under contract
23 between the department and a county department under s. 46. 215, 46.22 or 46.23,
24 a school district or another public or private entity within the state to persons
25 referred from those entities, at the discretion of the department. The department

SENATE BILL 55**SECTION 1490**

1 shall charge the referring entity all costs associated with providing the services.
2 Unless a referral is made, the department may not offer services under this section
3 to the person who is to receive the services or his or her family. The department may
4 not impose a charge for services under this section upon the person receiving the
5 services or his or her family. The department shall credit any revenues received
6 under this section to the appropriation account under s. 20.435 (2) (~~gk~~) (g).

7 **SECTION 1491.** 46.057 (2) of the statutes is amended to read:

8 46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the
9 department of corrections shall transfer to the appropriation account under s. 20.435
10 (2) (kx) ~~\$1,273,900~~ \$1,379,300 in fiscal year ~~1999-2000~~ 2001-02 and \$1,379,300 in
11 fiscal year ~~2000-01~~ 2002-03 and, from the appropriation account under s. 20.410 (3)
12 (hm), the department of corrections shall transfer to the appropriation account under
13 s. 20.435 (2) (kx) ~~\$2,489,300~~ \$2,694,400 in fiscal year ~~1999-2000~~ 2001-02 and
14 ~~\$2,489,900~~ \$2,947,200 in fiscal year ~~2000-01~~ 2002-03 for services for juveniles
15 placed at the Mendota juvenile treatment center. The department of health and
16 family services may charge the department of corrections not more than the actual
17 cost of providing those services.

18 **SECTION 1492.** 46.10 (8m) (b) 2. of the statutes is amended to read:

19 46.10 (8m) (b) 2. Paragraph (a) 2. and 4. does not apply to services provided
20 under s. 51.06 (~~1~~) (1m) (d) that are billed under s. 51.437 (4rm) (c) 2m. and does not
21 apply to treatment and services provided under s. 51.42 (3) (aw) 1. d.

22 **SECTION 1493.** 46.10 (14) (a) of the statutes is amended to read:

23 46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person
24 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
25 under 18 years of age at community mental health centers, a county mental health

SENATE BILL 55**SECTION 1493**

1 complex under s. 51.08, the centers for the developmentally disabled, Mendota
2 mental health institute, and Winnebago mental health institute or care and
3 maintenance of persons under 18 years of age in residential, nonmedical facilities
4 such as group homes, foster homes, treatment foster homes, subsidized
5 guardianship homes, child caring institutions, and juvenile correctional institutions
6 is determined in accordance with the cost-based fee established under s. 46.03 (18).
7 The department shall bill the liable person up to any amount of liability not paid by
8 an insurer under s. 632.89 (2) or (2m) or by other 3rd party benefits, subject to rules
9 which include formulas governing ability to pay promulgated by the department
10 under s. 46.03 (18). Any liability of the patient not payable by any other person
11 terminates when the patient reaches age 18, unless the liable person has prevented
12 payment by any act or omission.

13 **SECTION 1494.** 46.10 (14) (b) of the statutes is amended to read:

14 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
15 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
16 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
17 in a residential, nonmedical facility such as a group home, foster home, treatment
18 foster home, subsidized guardianship home, or child caring institution shall be
19 determined by the court by using the percentage standard established by the
20 department of workforce development under s. 49.22 (9) and by applying the
21 percentage standard in the manner established by the department under s. 46.247.

22 **SECTION 1495.** 46.22 (1) (d) of the statutes is repealed.

23 **SECTION 1496.** 46.22 (2) (b) of the statutes is amended to read:

24 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
25 to s. 49.33 (4) to (7) and the rules promulgated thereunder and subject to the approval

SENATE BILL 55**SECTION 1496**

1 of the county board of supervisors in a county with a single-county department of
2 social services or the county boards of supervisors in counties with a multicounty
3 department of social services.

4 **SECTION 1497.** 46.22 (3m) (a) of the statutes is amended to read:

5 46.22 (3m) (a) In any county with a county executive or a county administrator
6 which has established a single-county department of social services, the county
7 executive or county administrator, ~~subject to s. 49.33 (4) to (7) and the rules~~
8 ~~promulgated thereunder,~~ shall appoint and supervise the county social services
9 director. The appointment is subject to the confirmation of the county board of
10 supervisors unless the county board of supervisors, by ordinance, elects to waive
11 confirmation or unless the appointment is made under a civil service system
12 competitive examination procedure established under s. 59.52 (8) or ch. 63.

13 **SECTION 1498.** 46.261 (1) (a) of the statutes is amended to read:

14 46.261 (1) (a) The child is living in a foster home or treatment foster home
15 licensed under s. 48.62 if a license is required under that section, in a foster home
16 or treatment foster home located within the boundaries of a federally recognized
17 American Indian reservation in this state and licensed by the tribal governing body
18 of the reservation, in a group home licensed under s. 48.625, in a subsidized
19 guardianship home under s. 48.62 (5), or in a child caring institution licensed under
20 s. 48.60, and has been placed in the foster home, treatment foster home, group home,
21 subsidized guardianship home, or institution by a county department under s.
22 46.215, 46.22, or 46.23, by the department, or by a federally recognized American
23 Indian tribal governing body in this state under an agreement with a county
24 department under s. 46.215, 46.22, or 46.23.

25 **SECTION 1499.** 46.261 (2) (a) 1. of the statutes is amended to read:

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1 46.261 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
2 home or treatment foster home having a license under s. 48.62, in a foster home or
3 treatment foster home located within the boundaries of a federally recognized
4 American Indian reservation in this state and licensed by the tribal governing body
5 of the reservation or in a group home licensed under s. 48.625, a subsidized guardian
6 under s. 48.62 (5) who cares for the dependent child, or a minor custodial parent who
7 cares for the dependent child, regardless of the cause or prospective period of
8 dependency. The state shall reimburse counties pursuant to the procedure under s.
9 46.495 (2) and the percentage rate of participation set forth in s. 46.495 (1) (d) for aid
10 granted under this section except that if the child does not have legal settlement in
11 the granting county, state reimbursement shall be at 100%. The county department
12 under s. 46.215 or 46.22 or the department under s. 48.48 (17) shall determine the
13 legal settlement of the child. A child under one year of age shall be eligible for aid
14 under this subsection irrespective of any other residence requirement for eligibility
15 within this section.

16 **SECTION 1500.** 46.261 (2) (a) 3. of the statutes is amended to read:

17 46.261 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
18 the department, when the child is placed in a licensed foster home, treatment foster
19 home, group home, or child caring institution or in a subsidized guardianship home
20 by a licensed child welfare agency or by a federally recognized American Indian tribal
21 governing body in this state or by its designee, if the child is in the legal custody of
22 the county department under s. 46.215, 46.22, or 46.23 or the department under s.
23 48.48 (17) or if the child was removed from the home of a relative, as defined under
24 s. 48.02 (15), as a result of a judicial determination that continuance in the home of

SENATE BILL 55**SECTION 1500**

1 the relative would be contrary to the child's welfare for any reason and the placement
2 is made pursuant to an agreement with the county department or the department.

3 **SECTION 1501.** 46.261 (2) (a) 4. of the statutes is amended to read:

4 46.261 (2) (a) 4. A licensed foster home, treatment foster home, group home,
5 or child caring institution or a subsidized guardianship home when the child is in the
6 custody or guardianship of the state, when the child is a ward of an American Indian
7 tribal court in this state and the placement is made under an agreement between the
8 department and the tribal governing body, or when the child was part of the state's
9 direct service case load and was removed from the home of a relative, as defined
10 under s. 48.02 (15), as a result of a judicial determination that continuance in the
11 home of a relative would be contrary to the child's welfare for any reason and the child
12 is placed by the department.

13 **SECTION 1502.** 46.261 (2) (b) of the statutes is amended to read:

14 46.261 (2) (b) Notwithstanding par. (a), aid under this section may not be
15 granted for placement of a child in a foster home or treatment foster home licensed
16 by a federally recognized American Indian tribal governing body, for placement of a
17 child in a foster home, treatment foster home, group home, subsidized guardianship
18 home, or child caring institution by a tribal governing body or its designee, or for the
19 placement of a child who is a ward of a tribal court if the tribal governing body is
20 receiving or is eligible to receive funds from the federal government for that type of
21 placement ~~or for placement of a child in a group home licensed under s. 48.625.~~

22 **SECTION 1503.** 46.27 (9) (a) of the statutes is amended to read:

23 46.27 (9) (a) The department may select up to 5 counties that volunteer to
24 participate in a pilot project under which they will receive certain funds allocated for
25 long-term care. The department shall allocate a level of funds to these counties

SENATE BILL 55**SECTION 1503**

1 equal to the amount that would otherwise be paid under s. 20.435 (4) (b) or (w) to
2 nursing homes for providing care because of increased utilization of nursing home
3 services, as estimated by the department. In estimating these levels, the department
4 shall exclude any increased utilization of services provided by state centers for the
5 developmentally disabled. The department shall calculate these amounts on a
6 calendar year basis under sub. (10).

7 **SECTION 1504.** 46.27 (10) (a) 1. of the statutes is amended to read:

8 46.27 (10) (a) 1. The department shall determine for each county participating
9 in the pilot project under sub. (9) a funding level of state medical assistance
10 expenditures to be received by the county. This level shall equal the amount that the
11 department determines would otherwise be paid under s. 20.435 (4) (b) or (w) because
12 of increased utilization of nursing home services, as estimated by the department.

13 **SECTION 1505.** 46.27 (11) (c) 6. a. of the statutes is amended to read:

14 46.27 (11) (c) 6. a. The department approves the provision of services in a
15 ~~community-based residential facility or group home that has 5 to 8 beds~~ or in a
16 community-based residential facility that has 5 to 20 beds.

17 **SECTION 1506.** 46.275 (5) (a) of the statutes is amended to read:

18 46.275 (5) (a) Medical assistance reimbursement for services a county, or the
19 department under sub. (3r), provides under this program is available from the
20 appropriations under s. 20.435 (4) (b) ~~and, (o), and (w).~~ and (w). If 2 or more counties jointly
21 contract to provide services under this program and the department approves the
22 contract, medical assistance reimbursement is also available for services provided
23 jointly by these counties.

24 **SECTION 1507.** 46.275 (5) (c) of the statutes is amended to read:

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1 46.275 (5) (c) The total allocation under s. 20.435 (4) (b) ~~and, (o), and (w)~~ to
2 counties and to the department under sub. (3r) for services provided under this
3 section may not exceed the amount approved by the federal department of health and
4 human services. A county may use funds received under this section only to provide
5 services to persons who meet the requirements under sub. (4) and may not use
6 unexpended funds received under this section to serve other developmentally
7 disabled persons residing in the county.

8 **SECTION 1508.** 46.277 (5) (d) 2. a. of the statutes is amended to read:

9 46.277 (5) (d) 2. a. The department approves the provision of services in a
10 ~~community-based residential facility or group home that has 5 to 8 beds or in a~~
11 community-based residential facility that has 5 to 20 beds.

12 **SECTION 1509.** 46.278 (6) (d) of the statutes is amended to read:

13 46.278 (6) (d) If a county makes available nonfederal funds equal to the state
14 share of service costs under the waiver received under sub. (3), the department may,
15 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services
16 that the county provides under this section to persons who are in addition to those
17 who may be served under this section with funds from the appropriation under s.
18 20.435 (4) (b) or (w).

19 **SECTION 1510.** 46.2805 (6m) of the statutes is created to read:

20 46.2805 (6m) “Family member” has the meaning given in s. 157.061 (7).

21 **SECTION 1511.** 46.2805 (7) of the statutes is amended to read:

22 46.2805 (7) ~~“Functional and financial screen~~ Financial eligibility and
23 cost-sharing screening” means ~~a screen~~ the use of a uniform screening tool
24 prescribed by the department that is used to determine functional eligibility under

SENATE BILL 55**SECTION 1511**

1 ~~s. 46.286 (1) (a) and~~ financial eligibility under s. 46.286 (1) (b) and cost-sharing
2 under s. 46.286 (2).

3 **SECTION 1512.** 46.2805 (7g) of the statutes is created to read:

4 46.2805 (7g) “Functional screening” means the use of a uniform screening tool
5 prescribed by the department to determine functional eligibility under s. 46.286 (1)
6 (a) and (1m).

7 **SECTION 1513.** 46.281 (3) of the statutes is renumbered 46.281 (3) (intro.) and
8 amended to read:

9 46.281 (3) DUTY OF THE SECRETARY. (intro.) The secretary shall ~~certify~~ do all of
10 the following:

11 (a) Certify to each county, hospital, nursing home, community-based
12 residential facility, adult family home, and residential care apartment complex the
13 date on which a resource center that serves the area of the county, hospital, nursing
14 home, community-based residential facility, adult family home, or residential care
15 apartment complex is first available to provide a functional screening and financial
16 screen eligibility and cost-sharing screening. To facilitate phase-in of services of
17 resource centers, the secretary may certify that the resource center is available for
18 specified groups of eligible individuals or for specified facilities in the county.

19 **SECTION 1514.** 46.281 (3) (b) of the statutes is created to read:

20 46.281 (3) (b) Review the list of proposed initial members of a family care
21 district board under s. 46.2895 (1) (a) 2. b. and the recommendations of the local
22 long-term care council under s. 46.2895 (1) (a) 2. c. and approve or disapprove the
23 proposed membership.

24 **SECTION 1515.** 46.281 (3) (c) of the statutes is created to read:

SENATE BILL 55**SECTION 1515**

1 46.281 (3) (c) Review and approve or disapprove the creation by a county board
2 of supervisors of a family care district under s. 46.2895 (1) (a).

3 **SECTION 1516.** 46.282 (2) (a) 2. of the statutes is amended to read:

4 46.282 (2) (a) 2. A county board of supervisors or, in a county with a county
5 executive or a county administrator, the county executive or county administrator
6 shall appoint members of the local long-term care council who are required to be
7 older persons or persons with physical or developmental disabilities or their
8 immediate family members or other representatives from nominations that are
9 submitted to the county board of supervisors or the county executive or county
10 administrator by older persons or persons with physical or developmental
11 disabilities or their immediate family members or other representatives and by local
12 organizations that represent older persons or persons with physical or
13 developmental disabilities.

14 **SECTION 1517.** 46.282 (2) (b) 1. of the statutes is amended to read:

15 46.282 (2) (b) 1. A local long-term care council that serves a single-county area
16 shall consist of 17 members, at least 9 of whom are older persons or persons with
17 physical or developmental disabilities or their immediate family members or other
18 representatives. The age or disability represented by these 9 members shall
19 correspond to the proportion of numbers of persons, as determined by the
20 department, receiving long-term care in this state who are aged 65 or older or have
21 a physical or developmental disability. The total remaining 8 members shall consist
22 of providers of long-term care services, persons residing in the county with
23 recognized ability and demonstrated interest in long-term care and up to 3 members
24 of the county board of supervisors or other elected officials.

25 **SECTION 1518.** 46.282 (2) (b) 2. (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 1518**

1 46.282 (2) (b) 2. (intro.) A local long-term care council that serves an area of
2 2 or more contiguous counties shall consist of 23 members, at least 12 of whom are
3 older persons or persons with physical or developmental disabilities or their
4 immediate family members or other representatives. The age or disability
5 represented by these 12 members shall correspond to the proportion of numbers of
6 persons, as determined by the department, receiving long-term care in this state
7 who are aged 65 or older or have a physical or developmental disability. The total
8 remaining 11 members shall consist of all of the following:

9 **SECTION 1519.** 46.282 (3) (a) 1. b. of the statutes is amended to read:

10 46.282 (3) (a) 1. b. Whether the county should create a family care district to
11 operate a resource center or ~~under~~ a care management organization.

12 **SECTION 1520.** 46.282 (3) (a) 1m. of the statutes is created to read:

13 46.282 (3) (a) 1m. Review the list of proposed initial members of the family care
14 district board under s. 46.2895 (1) (a) 2. b. and recommend to the secretary approval
15 or disapproval of the proposed membership.

16 **SECTION 1521.** 46.282 (3) (a) 16. of the statutes is created to read:

17 46.282 (3) (a) 16. Review a tentative plan under s. 46.283 (4) (j) and provide to
18 a resource center any nonbinding recommendations for ensuring cooperation and
19 coordination between the resource center and hospitals serving the geographic area
20 served by the resource center.

21 **SECTION 1522.** 46.283 (3m) (intro.) of the statutes is created to read:

22 46.283 (3m) SPECIAL OUTREACH. The department shall assure that all of the
23 following are available for persons within the area of a resource center:

24 **SECTION 1523.** 46.283 (4) (e) of the statutes is renumbered 46.283 (3m) (a) and
25 amended to read:

SENATE BILL 55**SECTION 1523**

1 46.283 (3m) (a) Within 6 months after the family care benefit is available to
2 all eligible persons in the area of the resource center, ~~provide~~ provision of information
3 about the services of the resource center, including the services specified in sub. (3)
4 (d), about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c)
5 and about the family care benefit to ~~all older persons and persons with a physical~~
6 ~~disability~~ who are residents of nursing homes, community-based residential
7 facilities, adult family homes and residential care apartment complexes in the area
8 of the resource center and are members of a target population served by a care
9 management organization that operates in the county.

10 **SECTION 1524.** 46.283 (4) (f) of the statutes is renumbered 46.283 (3m) (b) and
11 amended to read:

12 46.283 (3m) (b) Provide Provision of a functional screening and financial
13 ~~screen~~ a financial eligibility and cost-sharing screening to any resident, as specified
14 in par. (e) (a), who requests a ~~screen~~ screening, and assist assistance in enrolling in
15 a care management organization to any such resident who is eligible and chooses to
16 ~~enroll in a care management organization to do so.~~

17 **SECTION 1525.** 46.283 (4) (g) of the statutes is renumbered 46.283 (3m) (c) and
18 amended to read:

19 46.283 (3m) (c) ~~Provide a functional and financial screen~~ The offer to provide
20 and, if the offer is accepted, the provision of a functional screening and a financial
21 eligibility and cost-sharing screening to any person seeking admission to a nursing
22 home, community-based residential facility, residential care apartment complex or
23 adult family home if the secretary has certified that the resource center is available
24 to the person and the facility and the person is determined by the resource center to
25 have a condition that is expected to last at least 90 days that would require care,

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1 assistance or supervision. ~~A resource center~~ The department may not require a
2 financial screen eligibility and cost-sharing screening for a person seeking
3 admission or about to be admitted on a private pay basis who waives the requirement
4 for a financial screen eligibility and cost-sharing screening under this paragraph,
5 unless the person is expected to become eligible for medical assistance within 6
6 months. ~~A resource center~~ The department need not provide a functional screen
7 screening for a person seeking admission or about to be admitted who has received
8 a screen screening for functional eligibility under s. 46.286 (1) (a) within the previous
9 6 months.

10 **SECTION 1526.** 46.283 (4) (h) of the statutes is renumbered 46.283 (3m) (d) and
11 amended to read:

12 46.283 (3m) (d) Provide The provision of access to services under s. 46.90 and
13 ch. 55 to a person who is eligible for the services, through cooperation with the county
14 agency or agencies that provide the services.

15 **SECTION 1527.** 46.283 (4) (j) of the statutes is created to read:

16 46.283 (4) (j) Annually develop a tentative plan for coordinating appropriate
17 referrals of individuals who are discharged from hospitals serving the geographic
18 area served by the resource center and who are likely to be eligible for and to benefit
19 from the family care benefit. After considering any recommendations of the local
20 long-term care council under s. 46.282 (3) (a) 16. and in cooperation with those
21 hospitals, develop in final form and implement the plan.

22 **SECTION 1528.** 46.283 (5) of the statutes is amended to read:

23 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),
24 (bm) ~~and~~, (pa), and (w) and (7) (b), (bd), and (md), the department may contract with

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1 organizations that meet standards under sub. (3) for performance of the duties under
2 sub. (4) and shall distribute funds for services provided by resource centers.

3 **SECTION 1529.** 46.284 (2) (b) (intro.) of the statutes is amended to read:

4 46.284 (2) (b) (intro.) Within each county, the department shall initially
5 contract to operate a care management organization with the county or a family care
6 district if the county elects to operate, or creates a family care district to operate, a
7 care management organization and the care management organization meets the
8 requirements of sub. (3) and performance standards prescribed by the department.
9 A county or family care district that contracts under this paragraph may operate the
10 care management organization for all of the target groups or for a selected group or
11 groups. With respect to contracts exclusively with counties or family care districts
12 to operate a care management organization, all of the following apply:

13 **SECTION 1530.** 46.284 (2) (b) 1. (intro.) of the statutes is amended to read:

14 46.284 (2) (b) 1. (intro.) Before January 1, 2003, the department may not
15 contract with an organization other than the county or a family care district to
16 operate a care management organization in the county unless any of the following
17 applies:

18 **SECTION 1531.** 46.284 (2) (b) 1. a. of the statutes is amended to read:

19 46.284 (2) (b) 1. a. The county or any family care district in the county that is
20 contracted to operate a care management organization and the local long-term care
21 council agree in writing that at least one additional care management organization
22 is necessary or desirable.

23 **SECTION 1532.** 46.284 (5) (a) of the statutes is amended to read:

24 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g) and,
25 (im), (o), and (w) and (7) (b) and (bd), the department shall provide funding on a

SENATE BILL 55**SECTION 1532**

1 capitated payment basis for the provision of services under this section.
2 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is
3 under contract with the department may expend the funds, consistent with this
4 section, including providing payment, on a capitated basis, to providers of services
5 under the family care benefit.

6 **SECTION 1533.** 46.285 (1) (intro.) of the statutes is amended to read:

7 46.285 (1) (intro.) In order to meet state and federal requirements and assure
8 federal financial participation in funding of the family care benefit, a county, a tribe
9 or band, a family care district or an organization, including a private, nonprofit
10 corporation, may not directly operate both a resource center and a care management
11 organization, except as follows:

12 **SECTION 1534.** 46.286 (1) (a) 2. (intro.) of the statutes is amended to read:

13 46.286 (1) (a) 2. (intro.) The person has a condition that is expected to last at
14 least 90 days or result in death within 12 months after the date of application but that
15 does not meet the level specified under subd. 1. a. or b.; the person first applies for
16 eligibility for the family care benefit within 36 months after the date on which the
17 family care benefit is initially available in the person's county residence; and, on the
18 date that the family care benefit became available in the person's county of residence,
19 the person was a resident in a nursing home or had been receiving for at least 60 days,
20 under a written plan of care, long-term care services, as specified by the department,
21 that were funded under any of the following:

22 **SECTION 1535.** 46.286 (1m) of the statutes is amended to read:

23 46.286 (1m) **ELIGIBILITY EXCEPTION.** A person whose primary disabling
24 condition is developmental disability is eligible for the family care benefit if the
25 person is a resident of a county or is a member of a tribe or band that has operated,

SENATE BILL 55**SECTION 1535**

1 before July 1, ~~2001~~ 2003, a care management organization under s. 46.281 (1) (d), is
2 at least 18 years of age and meets all other eligibility criteria under this subsection
3 sub. (1) (a) and (b).

4 **SECTION 1536.** 46.286 (3) (a) (intro.) of the statutes is amended to read:

5 46.286 (3) (a) (intro.) Subject to pars. (c) and (d), a person is entitled to and may
6 receive the family care benefit through enrollment in a care management
7 organization if, except as provided in subd. 5., he or she meets the requirements of
8 sub. (1) (intro.) is at least 18 years of age, has a physical disability, as defined in s.
9 15.197 (4) (a) 2., or infirmities of aging, as defined in s. 55.01 (3), is financially
10 eligible, fulfills any applicable cost-sharing requirements and meets any of the
11 following criteria:

12 **SECTION 1537.** 46.286 (3) (a) 6. of the statutes is created to read:

13 46.286 (3) (a) 6. Is functionally eligible at the intermediate level and meets all
14 of the following criteria:

15 a. On the date on which the family care benefit is initially available in the
16 person's county of residence, is a resident in a nursing home or has been receiving
17 for at least 60 days, under a written plan of care, long-term care services, as specified
18 by the department, which are funded as specified under sub. (1) (a) 2. a., b., c., d., or
19 e.

20 b. Enrolls within 36 months after the date on which the family care benefit is
21 initially available in the person's county of residence.

22 **SECTION 1538.** 46.286 (3) (d) of the statutes is amended to read:

23 46.286 (3) (d) The department shall determine the date, which shall not be later
24 than ~~July 1, 2000~~ January 1, 2004, on which par. (a) shall first apply to persons who
25 are not eligible for medical assistance under ch. 49. Before the date determined by

SENATE BILL 55**SECTION 1538**

1 the department, persons who are not eligible for medical assistance may receive the
2 family care benefit within the limits of state funds appropriated for this purpose and
3 available federal funds.

4 **SECTION 1539.** 46.286 (7) of the statutes is amended to read:

5 46.286 (7) RECOVERY OF FAMILY CARE BENEFIT PAYMENTS; RULES. The department
6 shall promulgate rules relating to the recovery from persons who receive the family
7 care benefit, including by liens and from estates, of correctly and incorrectly paid
8 family care benefits, that are substantially similar to applicable provisions under ss.
9 49.496 and 49.497. This subsection does not apply to the recovery of a family care
10 benefit that is provided under medical assistance and is recoverable under s. 49.496
11 (3).

12 **SECTION 1540.** 46.287 (2) (a) 1. (intro.) of the statutes is amended to read:

13 46.287 (2) (a) 1. (intro.) Except as provided in subd. 2., a client may contest any
14 of the following applicable matters by filing, within 45 days of the failure of a resource
15 center or care management organization to act on the contested matter within the
16 time frames specified by rule by the department or within 45 days after receipt of
17 notice of a decision in a contested matter after the effective date of the matter, a
18 written request for a hearing under s. 227.44 to the division of hearings and appeals
19 created under s. 15.103 (1):

20 **SECTION 1541.** 46.287 (2) (a) 1. f. of the statutes is amended to read:

21 46.287 (2) (a) 1. f. Development of a plan of care that is unacceptable because
22 the plan of care requires the enrollee to live in a place type of residence that is
23 unacceptable to the enrollee or the plan of care provides care, treatment or support
24 items that are insufficient to meet the enrollee's needs, are unnecessarily restrictive
25 or are unwanted by the enrollee.

SENATE BILL 55**SECTION 1542**

1 **SECTION 1542.** 46.287 (2) (a) 1. k. of the statutes is repealed.

2 **SECTION 1543.** 46.287 (2) (c) of the statutes is amended to read:

3 46.287 (2) (c) Information regarding the availability of advocacy services and
4 notice of adverse actions taken and appeal rights shall be provided to a client by the
5 resource center or care management organization in a form and manner that is
6 prescribed by the department by rule or by contract.

7 **SECTION 1544.** 46.2895 (1) (a) (intro.) of the statutes is amended to read:

8 46.2895 (1) (a) (intro.) After considering recommendations of the local
9 long-term care council under s. 46.282 (3) (a) 1., and with approval of the secretary,
10 a county board of supervisors may create a special purpose district that is termed a
11 “family care district”, that is a local unit of government, that is separate and distinct
12 from, and independent of, the state and the county, and that has the powers and
13 duties specified in this section, if the county board does all of the following:

14 **SECTION 1545.** 46.2895 (1) (a) 2. of the statutes is renumbered 46.2895 (1) (a)
15 2. (intro.) and amended to read:

16 46.2895 (1) (a) 2. (intro.) ~~Files copies of the enabling resolution with the~~
17 ~~secretary of administration, the secretary of health and family services, and the~~
18 ~~secretary of revenue. copies of all of the following:~~

19 **SECTION 1546.** 46.2895 (1) (a) 2. a. to c. of the statutes are created to read:

20 46.2895 (1) (a) 2. a. The enabling resolution under subd. 1.

21 b. A list of the names and addresses of the proposed initial members of the
22 family care district board under sub. (3).

23 c. Recommendations of the local long-term care council under s. 46.282 (3) (a)
24 1m.

25 **SECTION 1547.** 46.2895 (1) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 1547**

1 46.2895 (1) (b) The county boards of supervisors of 2 or more counties may
2 together, with the approval of the secretary, create a family care district with the
3 attributes specified in par. (a) (intro.) on a multicounty basis within the counties if
4 the county boards of supervisors comply with the requirements of par. (a) 1. and 2.

5 **SECTION 1548.** 46.2895 (3) (a) 1. of the statutes is amended to read:

6 46.2895 (3) (a) 1. The county board of supervisors of a county or, in a county
7 with a county administrator or county executive, the county administrator or county
8 executive shall, with the approval of the secretary, appoint the initial members of the
9 family care district board, which is the governing board of a family care district under
10 sub. (1) (a).

11 **SECTION 1549.** 46.2895 (3) (a) 2. of the statutes is amended to read:

12 46.2895 (3) (a) 2. The county boards of supervisors of 2 or more counties shall,
13 with the approval of the secretary, appoint the initial members of the family care
14 district board, which is the governing board of the family care district under sub. (1)
15 (b). Each county board shall appoint members in the same proportion that the
16 county's population represents to the total population of all of the counties that
17 constitute the jurisdiction of the family care district.

18 **SECTION 1550.** 46.2895 (3) (b) 3. of the statutes is amended to read:

19 46.2895 (3) (b) 3. Membership of the family care district board under subd. 1.
20 or 2. shall reflect the ethnic and economic diversity of the area of jurisdiction of the
21 family care district. ~~Up to~~ Less than one-fourth of the members of the board may
22 be elected or appointed officials or employees of the county or counties that created
23 the family care district. No member of the board may have a private financial
24 interest in or profit directly or indirectly from any contract or other business of the
25 family care district.

SENATE BILL 55**SECTION 1551**

1 **SECTION 1551.** 46.2895 (3) (c) of the statutes is amended to read:

2 46.2895 (3) (c) The initial members of the family care district board appointed
3 under par. (a) shall serve 3-year terms. No member may serve more than 2
4 consecutive terms. Of the members first appointed, 5 shall be appointed for ~~3~~ years
5 one year; 5 shall be appointed for ~~4~~ 2 years; and 5 or, in the case of a board appointed
6 under par. (b) 2., the remainder, shall be appointed for ~~5~~ 3 years. A member shall
7 serve until his or her successor is appointed, unless removed for cause under s. 17.13.

8 **SECTION 1552.** 46.2895 (3) (e) of the statutes is created to read:

9 46.2895 (3) (e) The family care district board shall appoint a successor to a
10 member of the family care district board, including an initial member appointed
11 under par. (a), when a member's term expires or if a member is removed for cause
12 under s. 17.13.

13 **SECTION 1553.** 46.29 (1) (f) of the statutes is renumbered 46.29 (2) (d) and
14 amended to read:

15 46.29 (2) (d) Submit annually to the chief clerk of each house of the legislature,
16 for distribution to the legislature under s. 13.172 (2), a report concerning the council's
17 recommendations under ~~par. sub. (1)~~ (c).

18 **SECTION 1554.** 46.40 (2) of the statutes is amended to read:

19 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under
20 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not
21 more than \$284,978,800 \$245,706,500 for fiscal year ~~1999-2000~~ 2001-02 and
22 ~~\$285,511,800~~ \$245,706,500 for fiscal year ~~2000-01~~ 2002-03.

23 **SECTION 1555.** 46.40 (2m) (a) of the statutes is amended to read:

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

SENATE BILL 55**SECTION 1555**

1 department shall distribute not more than ~~\$11,318,700~~ \$9,735,700 in each fiscal
2 year.

3 **SECTION 1556.** 46.40 (8) of the statutes is amended to read:

4 46.40 (8) ALZHEIMER'S FAMILY AND CAREGIVER SUPPORT ALLOCATION. Subject to
5 sub. (9), for services to persons with Alzheimer's disease and their caregivers under
6 s. 46.87, the department shall distribute not more than ~~\$1,993,400 for fiscal year~~
7 ~~1999-2000 and \$2,226,300 for fiscal year 2000-01~~ \$2,342,800 in each fiscal year.

8 **SECTION 1557.** 46.45 (2) (a) of the statutes, as affected by 1999 Wisconsin Act
9 9, is amended to read:

10 46.45 (2) (a) If on December 31 of any year there remains unspent or
11 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the
12 amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in that
13 year, the department shall carry forward the excess moneys and distribute not less
14 than 50% of the excess moneys to counties having a population of less than 500,000
15 that are making a good faith effort, as determined by the department, to comply with
16 s. 46.22 (1) (c) 8. f. for services and projects to assist children and families,
17 notwithstanding the percentage limit specified in sub. (3) (a). A county shall use not
18 less than 50% of the moneys distributed to the county under this subsection for
19 services for children who are at risk of abuse or neglect to prevent the need for child
20 abuse and neglect intervention services, except that in the calendar year in which
21 a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar years after
22 that calendar year the county may use 100% of the moneys distributed under this
23 paragraph to reimburse the department for the costs of achieving that compliance.
24 If a county does not comply with s. 46.22 (1) (c) 8. f. before July 1, 2005, the
25 department may recover any amounts distributed to that county under this

SENATE BILL 55**SECTION 1557**

1 paragraph after June 30, 2001, by billing the county or deducting from that county's
2 allocation under s. 46.40 (2). All moneys received by the department under this
3 paragraph shall be credited to the appropriation account under s. 20.435 (3) (j).

4 **SECTION 1558.** 46.48 (10) of the statutes is repealed.

5 **SECTION 1559.** 46.48 (30) (a) of the statutes is amended to read:

6 46.48 (30) (a) From the appropriation under s. 20.435 (7) (bc), the department
7 shall distribute grants on a competitive basis to county departments of social services
8 and to private nonprofit organizations, as defined in s. 103.21 (2), for the provision
9 of alcohol and other drug abuse treatment services ~~in counties with a population of~~
10 ~~500,000 or more.~~ Grants distributed under this subsection may be used only to
11 provide treatment for alcohol and other drug abuse to individuals who are eligible
12 for federal temporary assistance for needy families under 42 USC 601 et. seq. and
13 who have a family income of not more than 200% of the poverty line, as defined in
14 s. 49.001 (5).

15 **SECTION 1560.** 46.495 (1) (d) of the statutes is amended to read:

16 46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw),
17 and (o), the department shall distribute the funding for social services, including
18 funding for foster care ~~or~~, treatment foster care, or subsidized guardianship care of
19 a child on whose behalf aid is received under s. 46.261, to county departments under
20 ss. 46.215, 46.22, and 46.23 as provided under s. 46.40. County matching funds are
21 required for the distributions under s. 46.40 (2), (8), and (9) (b). Each county's
22 required match for the distributions under s. 46.40 (2) and (8) for a year equals 9.89%
23 of the total of the county's distributions under s. 46.40 (2) and (8) for that year for
24 which matching funds are required plus the amount the county was required by s.
25 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its

SENATE BILL 55**SECTION 1560**

1 distribution for 1987. Each county's required match for the distribution under s.
2 46.40 (9) (b) for a year equals 9.89% of that county's amounts described in s. 46.40
3 (9) (a) (intro.) for that year. Matching funds may be from county tax levies, federal
4 and state revenue sharing funds, or private donations to the county that meet the
5 requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the
6 total county match. If the county match is less than the amount required to generate
7 the full amount of state and federal funds distributed for this period, the decrease
8 in the amount of state and federal funds equals the difference between the required
9 and the actual amount of county matching funds.

10 **SECTION 1561.** 46.51 (4) of the statutes is amended to read:

11 46.51 (4) A county may use the funds distributed under this section to fund
12 additional foster parents and, treatment foster parents, and subsidized guardians
13 to care for abused and neglected children and to fund additional staff positions to
14 provide services related to child abuse and neglect and to unborn child abuse.

15 **SECTION 1562.** 46.52 of the statutes is amended to read:

16 **46.52 Systems change grants.** From the appropriation under s. 20.435 (7)
17 (md), ~~the department may not distribute more than \$350,000 in each fiscal year to~~
18 ~~counties to assist in relocating individuals with mental illness from institutional or~~
19 ~~residential care to less restrictive and more cost-effective community settings and~~
20 ~~services. The department shall distribute funds to each grant recipient under this~~
21 ~~section so as to permit initial phasing in of community services recovery-oriented~~
22 ~~system changes, prevention and early intervention strategies, and consumer and~~
23 ~~family involvement for individuals with mental illness ~~who are relocated or diverted~~~~
24 ~~from institutional or residential care and. The department shall eliminate the~~
25 ~~funding for a recipient at the end of a period of not more than 5 3 years in order to~~

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1 provide funding to benefit another county recipient. The department shall require
2 that the community services that are developed under this section are continued,
3 following termination of a county's funding under this section, by use of funding
4 savings made available to the county from reduced institutional and residential care
5 utilization from incorporating recovery, prevention and early intervention
6 strategies, and consumer and family involvement in the services.

7 **SECTION 1563.** 46.58 of the statutes is created to read:

8 **46.58 Competency examinations.** From the appropriation under s. 20.435
9 (2) (bj), the department shall distribute funds to provide competency examinations
10 under s. 971.14 (2) in a county with a population of 500,000 or more.

11 **SECTION 1564.** 46.76 (intro.) of the statutes is renumbered 46.76 (1m) (intro.).

12 **SECTION 1565.** 46.76 (1) of the statutes is renumbered 46.76 (1m) (a).

13 **SECTION 1566.** 46.76 (2) of the statutes is renumbered 46.76 (1m) (b).

14 **SECTION 1567.** 46.76 (4) of the statutes is renumbered 46.76 (2m) (a) and
15 amended to read:

16 46.76 (2m) (a) ~~Develop~~ The department may develop an annual plan that
17 documents areas of hunger and populations experiencing hunger within this state
18 and that recommends strategies and state and federal policy changes to address
19 hunger in these areas and populations.

20 **SECTION 1568.** 46.76 (5) of the statutes is renumbered 46.76 (2m) (b) and
21 amended to read:

22 46.76 (2m) (b) ~~Submit, by December 31 annually, the~~ The department may
23 submit a plan developed under sub. (4) par. (a) to the governor, superintendent of
24 public instruction and the appropriate standing committees of the legislature under
25 s. 13.172 (3).

SENATE BILL 55**SECTION 1569**

1 **SECTION 1569.** 46.93 (1m) (b) of the statutes is amended to read:

2 46.93 **(1m)** (b) “Board” means the adolescent pregnancy prevention and
3 pregnancy services board ~~under s. 15.195 (5).~~

4 **SECTION 1570.** 46.93 (2) (intro.) of the statutes is amended to read:

5 46.93 **(2)** PURPOSE; ALLOCATION. (intro.) From the ~~appropriation~~ appropriations
6 under s. 20.434 (1) (b) and (ky), the board shall award not more than \$439,300 in each
7 fiscal year for grants to organizations to provide adolescent pregnancy prevention
8 programs or pregnancy services that include health care, education, counseling, and
9 vocational training. Types of services and programs that are eligible for grants
10 include all of the following:

11 **SECTION 1571.** 46.93 (2m) (a) of the statutes is amended to read:

12 46.93 **(2m)** (a) Each organization that receives a grant under this section shall
13 provide matching funds equal to 20% of the grant amount awarded. The match may
14 be in the form of money or in-kind services or both, but any moneys used by an
15 organization toward a match may not include moneys received from the state or
16 federal government.

17 **SECTION 1572.** 46.93 (3) of the statutes is amended to read:

18 46.93 **(3)** STAFF AND SALARIES. The salaries of the board staff and all actual and
19 necessary operating expenses of the board shall be paid from the ~~appropriation~~
20 appropriations under s. 20.434 (1) (a) and (kp).

21 **SECTION 1573.** 46.95 (2) (f) 9. of the statutes is amended to read:

22 46.95 **(2)** (f) 9. Award ~~a grant of \$25,000 in fiscal year 1999-2000 and a grant~~
23 of \$50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic
24 Violence for the cost of a staff person to provide assistance in obtaining legal services
25 to domestic abuse victims.

SENATE BILL 55**SECTION 1574**

1 **SECTION 1574.** 46.972 (4) of the statutes is amended to read:

2 46.972 (4) REPORTING. ~~On June 30 annually, the~~ The department shall may
3 submit annually a copy of the report required under 42 USC 290cc-28 concerning the
4 expenditure of funds under sub. (3) and a report on the allocation and expenditure
5 of funds under sub. (2) to the legislature for distribution under s. 13.172 (2).

6 **SECTION 1575.** 46.99 (2) (a) (intro.) of the statutes is amended to read:

7 46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), (km) and
8 (nL), the department, ~~beginning on January 1, 2001,~~ shall distribute \$2,125,200 in
9 each fiscal year to applying nonprofit corporations and public agencies operating in
10 a county having a population of 500,000 or more and ~~\$1,229,300~~ \$1,199,300 in each
11 fiscal year to applying county departments under s. 46.22, 46.23, 51.42 or 51.437
12 operating in counties other than a county having a population of 500,000 or more to
13 provide programs to accomplish all of the following:

14 **SECTION 1576.** 46.995 (1m) of the statutes is amended to read:

15 46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS. From the appropriation
16 account under s. 20.435 (3) (km), the department may allocate ~~\$172,500~~ \$195,000 in
17 each fiscal year and, from the appropriation account under s. 20.435 (3) (eg), the
18 department may allocate ~~\$7,500~~ \$15,000 in each fiscal year to provide the grants
19 specified in subs. (2), (3) (b) and (4m) (b).

20 **SECTION 1577.** 46.995 (4m) (b) (intro.) of the statutes is amended to read:

21 46.995 (4m) (b) (intro.) From the allocations under sub. (1m), the department
22 may provide a grant annually in the amount of ~~\$30,000~~ \$60,000 to the elected
23 governing body of a federally recognized American Indian tribe or band for the
24 provision of information to members of the tribe or band in order to increase
25 community knowledge about problems of adolescents and information to and

SENATE BILL 55**SECTION 1577**

1 activities for adolescents, particularly female adolescents, in order to enable the
2 adolescents to develop skills with respect to all of the following:

3 **SECTION 1578.** 48.21 (5) (b) of the statutes is renumbered 48.21 (5) (b) (intro.)
4 and amended to read:

5 48.21 (5) (b) (intro.) An order relating to a child held in custody outside of his
6 or her home shall also describe include all of the following:

7 1. A description of any efforts that were made to permit the child to remain
8 safely at home and the services that are needed to ensure the child's well-being, to
9 enable the child to return safely to his or her home, and to involve the parents in
10 planning for the child.

11 **SECTION 1579.** 48.21 (5) (b) 2. of the statutes is created to read:

12 48.21 (5) (b) 2. If the child is held in custody outside the home in a placement
13 recommended by the intake worker, a statement that the court approves the
14 placement recommended by the intake worker or, if the child is placed outside the
15 home in a placement other than a placement recommended by the intake worker, a
16 statement that the court has given bona fide consideration to the recommendations
17 made by the intake worker and all parties relating to the placement of the child.

18 **SECTION 1580.** 48.315 (1) (h) of the statutes is created to read:

19 48.315 (1) (h) Any period of delay resulting from the need to appoint a qualified
20 interpreter.

21 **SECTION 1581.** 48.33 (4) (intro.) of the statutes is amended to read:

22 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
23 placement of an adult expectant mother outside of her home shall be in writing. A
24 report recommending placement of a child in a foster home, treatment foster home,

SENATE BILL 55**SECTION 1581**

1 group home, or child caring institution or in the home of the child's guardian under
2 s. 48.977 (2) shall be in writing and shall include all of the following:

3 **SECTION 1582.** 48.345 (3) (c) of the statutes is amended to read:

4 48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62
5 ~~or~~, a group home licensed under s. 48.625, or in the home of the child's guardian under
6 s. 48.977 (2).

7 **SECTION 1583.** 48.355 (2) (b) 6m. of the statutes is created to read:

8 48.355 (2) (b) 6m. If the child is placed outside the home in a placement
9 recommended by the agency designated under s. 48.33 (1), a statement that the court
10 approves the placement recommended by the agency or, if the child is placed outside
11 the home in a placement other than a placement recommended by that agency, a
12 statement that the court has given bona fide consideration to the recommendations
13 made by the agency and all parties relating to the child's placement.

14 **SECTION 1584.** 48.357 (2v) of the statutes is created to read:

15 48.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in
16 placement would place the child outside the home in a placement recommended by
17 the person or agency primarily responsible for implementing the dispositional order,
18 the change in placement order shall include a statement that the court approves the
19 placement recommended by that person or agency or, if the child is placed outside the
20 home in a placement other than a placement recommended by that person or agency,
21 a statement that the court has given bona fide consideration to the recommendations
22 made by that person or agency and all parties relating to the child's placement.

23 **SECTION 1585.** 48.366 (8) of the statutes is amended to read:

24 48.366 (8) **TRANSFER TO OR BETWEEN FACILITIES.** The department of corrections
25 may transfer a person subject to an order between secured correctional facilities.

SENATE BILL 55**SECTION 1585**

1 After the person attains the age of 17 years, the department of corrections may place
2 the person in a state prison named in s. 302.01. ~~If the person is 15 years of age or~~
3 ~~over, the department of corrections may transfer the person to the Racine youthful~~
4 ~~offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ If
5 the department of corrections places a person subject to an order under this section
6 in a state prison, that department shall provide services for that person from the
7 appropriate appropriation under s. 20.410 (1). The department of corrections may
8 transfer a person placed in a state prison under this subsection to or between state
9 prisons named in s. 302.01 without petitioning for revision of the order under sub.
10 (5) (a).

11 **SECTION 1586.** 48.37 (2) of the statutes is amended to read:

12 48.37 (2) Notwithstanding sub. (1), no costs, penalty assessments, law
13 enforcement training fund assessments, or jail assessments may be assessed against
14 any child in a circuit court exercising jurisdiction under s. 48.16.

15 **SECTION 1587.** 48.375 (7) (d) 1m. of the statutes is amended to read:

16 48.375 (7) (d) 1m. Except as provided under s. 48.315 (1) (b), (c) ~~and~~, (f), and
17 (h), if the court fails to comply with the time limits specified under subd. 1. without
18 the prior consent of the minor and the minor's counsel, if any, or the member of the
19 clergy who filed the petition on behalf of the minor, if any, the minor and the minor's
20 counsel, if any, or the member of the clergy, if any, shall select a temporary reserve
21 judge, as defined in s. 753.075 (1) (b), to make the determination under par. (c) and
22 issue an order granting or denying the petition and the chief judge of the judicial
23 administrative district in which the court is located shall assign the temporary
24 reserve judge selected by the minor and the minor's counsel, if any, or the member
25 of the clergy, if any, to make the determination and issue the order. A temporary

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1 reserve judge assigned under this subdivision to make a determination under par.
2 (c) and issue an order granting or denying a petition shall make the determination
3 and issue the order within 2 calendar days after the assignment, unless the minor
4 and her counsel, if any, or the member of the clergy who filed the petition on behalf
5 of the minor, if any, consent to an extension of that time period. The order shall be
6 effective immediately. The court shall prepare and file with the clerk of court
7 findings of fact, conclusions of law and a final order granting or denying the petition,
8 and shall notify the minor of the court's order, as provided under subd. 1.

9 **SECTION 1588.** 48.38 (2) (intro.) of the statutes is amended to read:

10 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
11 for each child living in a foster home, treatment foster home, group home,
12 child-caring institution, secure detention facility, or shelter care facility or in the
13 home of a relative, the agency that placed the child or arranged the placement or the
14 agency assigned primary responsibility for providing services to the child under s.
15 48.355 shall prepare a written permanency plan, if one of the following conditions
16 exists:

17 **SECTION 1589.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

18 48.38 (4) (f) (intro.) The services that will be provided to the child, the child's
19 family, and the child's foster parent, the child's treatment foster parent ~~or~~, the
20 operator of the facility where the child is living, or the relative with whom the child
21 is living to carry out the dispositional order, including services planned to accomplish
22 all of the following:

23 **SECTION 1590.** 48.38 (5) (a) of the statutes is amended to read:

24 48.38 (5) (a) The court or a panel appointed under this paragraph shall review
25 the permanency plan every 6 months from the date on which the child was first held

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1 in physical custody or placed outside of his or her home under a court order. If the
2 court elects not to review the permanency plan, the court shall appoint a panel to
3 review the permanency plan. The panel shall consist of 3 persons who are either
4 designated by an independent agency that has been approved by the chief judge of
5 the judicial administrative district or designated by the agency that prepared the
6 permanency plan. A voting majority of persons on each panel shall be persons who
7 are not employed by the agency that prepared the permanency plan and who are not
8 responsible for providing services to the child or the parents of the child whose
9 permanency plan is the subject of the review.

10 **SECTION 1591.** 48.38 (5) (b) of the statutes is amended to read:

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

25 **SECTION 1592.** 48.425 (1) (g) of the statutes is amended to read:

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1 48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4.
2 determines that it is unlikely that the child will be adopted, or if adoption would not
3 be in the best interests of the child, the report shall include a plan for placing the child
4 in a permanent family setting. The plan shall include a recommendation as to the
5 agency to be named guardian of the child or a recommendation that the person
6 appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian
7 of the child or that a guardian be appointed for the child under s. 48.977 (2).

8 **SECTION 1593.** 48.427 (3m) (intro.) of the statutes is amended to read:

9 48.427 (3m) (intro.) If the rights of both parents or of the only living parent are
10 terminated under sub. (3) and if a guardian has not been appointed under s. 48.977,
11 the court shall either do one of the following:

12 **SECTION 1594.** 48.427 (3m) (c) of the statutes is created to read:

13 48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship
14 and custody of the child to the guardian.

15 **SECTION 1595.** 48.427 (3p) of the statutes is amended to read:

16 48.427 (3p) If the rights of both parents or of the only living parent are
17 terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the
18 court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters
19 an order under this subsection, the court shall terminate the guardianship under s.
20 48.977.

21 **SECTION 1596.** 48.43 (7) of the statutes is amended to read:

22 48.43 (7) If the agency specified under sub. (1) (a) is the department and a
23 permanent adoptive placement is not in progress 2 years one year after entry of the
24 order, the department may petition the court to transfer legal custody of the child to
25 a county department. The legal custody of the child and, if the county department

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1 is authorized to accept guardianship under s. 48.57 (1) (e) or (hm), guardianship of
2 the child, and the court shall transfer the child's legal custody and guardianship of
3 the child to the county department as specified in the petition. The If the county
4 department is not authorized to accept guardianship under s. 48.57 (1) (e) or (hm),
5 the department shall remain the child's guardian.

6 **SECTION 1597.** 48.432 (3) (c) of the statutes is amended to read:

7 48.432 (3) (c) The person making a request under this subsection shall pay a
8 fee for the cost of locating, verifying, purging, summarizing, copying, and mailing the
9 medical or genetic information according to a fee schedule established by the
10 department, or agency contracted with under sub. (9), based on ability to pay. The
11 fee may not be more than \$150 and may be waived by the department or agency.

12 **SECTION 1598.** 48.433 (1) (a) of the statutes is repealed and recreated to read:

13 48.433 (1) (a) "Agency" means a child welfare agency licensed under s. 48.61
14 (8) to conduct searches for birth parents under sub. (6).

15 **SECTION 1599.** 48.433 (2) of the statutes is amended to read:

16 48.433 (2) Any birth parent whose rights have been terminated in this state
17 at any time, or who has consented to the adoption of his or her child in this state
18 before February 1, 1982, may file with the department, ~~or agency contracted with~~
19 ~~under sub. (11),~~ an affidavit authorizing the department ~~or agency~~ to provide the
20 child with his or her original birth certificate and with any other available
21 information about the birth parent's identity and location. An affidavit filed under
22 this subsection may be revoked at any time by notifying the department ~~or agency~~
23 in writing.

24 **SECTION 1600.** 48.433 (3) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 1600**

1 48.433 (3) (intro.) Any person 21 years of age or over whose birth parent's rights
2 have been terminated in this state or who has been adopted in this state with the
3 consent of his or her birth parent or parents before February 1, 1982, may request
4 the department, ~~or agency contracted with under sub. (11),~~ to provide the person with
5 the following:

6 **SECTION 1601.** 48.433 (4) of the statutes is amended to read:

7 48.433 (4) Before acting on the request, the department, ~~or agency contracted~~
8 ~~with under sub. (11),~~ shall require the requester to provide adequate identification.

9 **SECTION 1602.** 48.433 (5) (intro.) of the statutes is amended to read:

10 48.433 (5) (intro.) The department, ~~or agency contracted with under sub. (11),~~
11 shall disclose the requested information in either of the following circumstances:

12 **SECTION 1603.** 48.433 (5) (a) of the statutes is amended to read:

13 48.433 (5) (a) The department, ~~or agency contracted with under sub. (11),~~ has
14 on file unrevoked affidavits filed under sub. (2) from both birth parents.

15 **SECTION 1604.** 48.433 (6) (a) of the statutes is amended to read:

16 48.433 (6) (a) If the department, ~~or agency contracted with under sub. (11),~~ does
17 not have on file an affidavit from each known birth parent, it shall, ~~within 3 months~~
18 ~~after the date of the original request, advise the requester that he or she may request~~
19 an agency to undertake a diligent search for each birth parent who has not filed an
20 affidavit. The search shall be commenced within 3 months after the date of the
21 request to the agency and completed within 6 months after the date of the ~~that~~
22 request, unless the search falls within one of the exceptions established by the
23 department by rule. If any information has been provided under sub. (5), the
24 department ~~or agency~~ is not required to conduct a search.

25 **SECTION 1605.** 48.433 (6) (d) of the statutes is amended to read:

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1 48.433 (6) (d) ~~The department, or agency contracted with under sub. (11), shall~~
2 charge the requester a reasonable fee for the cost of the search. ~~When the~~
3 ~~department or agency determines that the fee will exceed \$100 for either birth~~
4 ~~parent, it shall notify the requester. No fee in excess of \$100 per birth parent may~~
5 ~~be charged unless the requester, after receiving notification under this paragraph,~~
6 ~~has given consent to proceed with the search.~~

7 **SECTION 1606.** 48.433 (7) (a) (intro.) of the statutes is amended to read:

8 48.433 (7) (a) (intro.) The ~~department or agency~~ conducting the search shall,
9 upon locating a birth parent, make at least one verbal contact and notify him or her
10 of the following:

11 **SECTION 1607.** 48.433 (7) (b) of the statutes is amended to read:

12 48.433 (7) (b) Within 3 working days after contacting a birth parent, the
13 ~~department, or agency contracted with under sub. (11),~~ shall send the birth parent
14 a written copy of the information specified under par. (a) and a blank copy of the
15 affidavit.

16 **SECTION 1608.** 48.433 (7) (c) of the statutes is amended to read:

17 48.433 (7) (c) If the birth parent files the affidavit, the ~~department, or agency~~
18 ~~contracted with under sub. (11),~~ shall disclose the requested information if permitted
19 under sub. (5).

20 **SECTION 1609.** 48.433 (7) (d) of the statutes is amended to read:

21 48.433 (7) (d) If ~~the department or an agency~~ has contacted a birth parent
22 under this subsection, and the birth parent does not file the affidavit, the department
23 may not disclose the requested information.

24 **SECTION 1610.** 48.433 (7) (e) of the statutes is amended to read:

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1 48.433 (7) (e) If, after a search under this subsection, a known birth parent
2 cannot be located, the department, ~~or agency contracted with under sub. (11)~~, may
3 disclose the requested information if the other birth parent has filed an unrevoked
4 affidavit under sub. (2).

5 **SECTION 1611.** 48.433 (7) (f) of the statutes is amended to read:

6 48.433 (7) (f) The department ~~or agency~~ conducting ~~a~~ the search under this
7 subsection may not contact a birth parent again on behalf of the same requester until
8 at least 12 months after the date of the previous contact. Further contacts with a
9 birth parent under this subsection on behalf of the same requester may be made only
10 if 5 years have elapsed since the date of the last contact.

11 **SECTION 1612.** 48.433 (8) (a) (intro.) of the statutes is amended to read:

12 48.433 (8) (a) (intro.) If a birth parent is known to be ~~dead~~ deceased and has
13 not filed an unrevoked affidavit under sub. (2), the department, ~~or agency contracted~~
14 ~~with under sub. (11)~~, shall so inform the requester. The department ~~or agency~~ may
15 not provide the requester with his or her original birth certificate or with the identity
16 of that parent, but shall provide the requester with any available information it has
17 on file regarding the identity and location of the other birth parent if both of the
18 following conditions exist:

19 **SECTION 1613.** 48.433 (8) (b) of the statutes is amended to read:

20 48.433 (8) (b) If a birth parent is known to be ~~dead~~ deceased, the department,
21 ~~or agency contracted with under sub. (11)~~, in addition to the information provided
22 under par. (a), shall provide the requester with any nonidentifying social history
23 information about the deceased parent on file with the department ~~or agency~~.

24 **SECTION 1614.** 48.433 (8m) of the statutes is amended to read:

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1 48.433 **(8m)** If the department, ~~or agency contracted with under sub. (11),~~ may
2 not disclose the information requested under this section, it shall provide the
3 requester with any nonidentifying social history information about either of the
4 birth parents that it has on file.

5 **SECTION 1615.** 48.433 (9) of the statutes is amended to read:

6 48.433 **(9)** The requester may petition the circuit court to order the department
7 ~~or agency designated by the department~~ to disclose any information that may not be
8 disclosed under this section. The court shall grant the petition for good cause shown.

9 **SECTION 1616.** 48.433 (11) of the statutes is amended to read:

10 48.433 **(11)** The department shall promulgate rules to implement this section
11 ~~and may contract with an agency to administer this section.~~

12 **SECTION 1617.** 48.48 (17) (a) 3. of the statutes is amended to read:

13 48.48 **(17)** (a) 3. Provide appropriate protection and services for children and
14 the expectant mothers of unborn children in its care, including providing services for
15 those children and their families and for those expectant mothers in their own
16 homes, placing the children in licensed foster homes, treatment foster homes, or
17 group homes in this state or another state within a reasonable proximity to the
18 agency with legal custody, placing the children in the homes of the children's
19 guardians under s. 48.977 (2), or contracting for services for those children by
20 licensed child welfare agencies, except that the department may not purchase the
21 educational component of private day treatment programs unless the department,
22 the school board, as defined in s. 115.001 (7), and the state superintendent of public
23 instruction all determine that an appropriate public education program is not
24 available. Disputes between the department and the school district shall be resolved
25 by the state superintendent of public instruction.

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1 **SECTION 1618.** 48.48 (17) (c) 4. of the statutes is amended to read:

2 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,
3 or child caring institution or in the home of a subsidized guardian under s. 48.62 (5).

4 **SECTION 1619.** 48.485 of the statutes is amended to read:

5 **48.485 Transfer of tribal children to department for adoption.** If the
6 department accepts guardianship or legal custody or both from an American Indian
7 tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive
8 placement for the child. If a permanent adoptive placement is not in progress within
9 2 years one year after entry of the termination of parental rights order by the tribal
10 court, the department may petition the tribal court to transfer legal custody or
11 guardianship of the child back to the tribe.

12 **SECTION 1620.** 48.561 (3) (a) of the statutes is renumbered 48.561 (3) (a) (intro.)
13 and amended to read:

14 48.561 (3) (a) (intro.) A county having a population of 500,000 or more shall
15 contribute \$58,893,500 in each state fiscal year for the provision of child welfare
16 services in that county by the department. That contribution shall be made as
17 follows:

18 **SECTION 1621.** 48.561 (3) (a) 1. of the statutes is created to read:

19 48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the amount
20 distributed to that county under s. 46.40 (2) in each state fiscal year.

21 **SECTION 1622.** 48.561 (3) (a) 2. of the statutes is created to read:

22 48.561 (3) (a) 2. Through a reduction of \$1,583,000 from the amount distributed
23 to that county under s. 46.40 (2m) (a) in each state fiscal year.

24 **SECTION 1623.** 48.561 (3) (a) 3. of the statutes is created to read:

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1 48.561 (3) (a) 3. Through a deduction of \$20,101,300 from any state payment
2 due that county under s. 79.03, 79.04, 79.058, 79.06, or 79.08 as provided in par. (b).

3 **SECTION 1624.** 48.561 (3) (b) of the statutes is amended to read:

4 48.561 (3) (b) The department of administration shall collect the amount
5 specified in par. (a) 3., from a county having a population of 500,000 or more by
6 deducting all or part of that amount from any state payment due that county under
7 s. ~~46.40~~, 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration
8 shall notify the department of revenue, by September 15 of each year, of the amount
9 to be deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or
10 79.08. The department of administration shall credit all amounts collected under
11 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify
12 the county from which those amounts are collected of that collection.

13 **SECTION 1625.** 48.57 (1) (c) of the statutes is amended to read:

14 48.57 (1) (c) To provide appropriate protection and services for children and the
15 expectant mothers of unborn children in its care, including providing services for
16 those children and their families and for those expectant mothers in their own
17 homes, placing those children in licensed foster homes, treatment foster homes, or
18 group homes in this state or another state within a reasonable proximity to the
19 agency with legal custody, placing those children in the homes of the children's
20 guardians under s. 48.977 (2), or contracting for services for those children by
21 licensed child welfare agencies, except that the county department may not purchase
22 the educational component of private day treatment programs unless the county
23 department, the school board, as defined in s. 115.001 (7), and the state
24 superintendent of public instruction all determine that an appropriate public

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1 education program is not available. Disputes between the county department and
2 the school district shall be resolved by the state superintendent of public instruction.

3 **SECTION 1626.** 48.57 (3m) (cm) of the statutes is amended to read:

4 48.57 **(3m)** (cm) A kinship care relative who receives a payment under par. (am)
5 for providing care and maintenance for a child is not eligible to receive a payment
6 under sub. (3n) or s. 48.62 (4) or (5) for that child.

7 **SECTION 1627.** 48.57 (3n) (am) 1. of the statutes is amended to read:

8 48.57 **(3n)** (am) 1. The long-term kinship care relative applies to the county
9 department or department for payments under this subsection and provides proof
10 that he or she has been appointed as the guardian of the child under s. 48.977 (2) and
11 states that he or she was not licensed as the child's foster parent or treatment foster
12 parent before the guardianship appointment.

13 **SECTION 1628.** 48.57 (3n) (cm) of the statutes is amended to read:

14 48.57 **(3n)** (cm) A long-term kinship care relative who receives a payment
15 under par. (am) for providing care and maintenance for a child is not eligible to
16 receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

17 **SECTION 1629.** 48.57 (3p) (fm) 2. of the statutes is amended to read:

18 48.57 **(3p)** (fm) 2. A person receiving payments under sub. (3m) may
19 provisionally employ a person in a position in which that person would have regular
20 contact with the child for whom those payments are being made or provisionally
21 permit a person to be an adult resident if the person receiving those payments states
22 to the county department or, in a county having a population of 500,000 or more, the
23 department of health and family services that the employee or adult resident does
24 not have any arrests or convictions that could adversely affect the child or the ability
25 of the person receiving payments to care for the child. A person receiving payments

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1 under sub. (3m) may not finally employ a person in a position in which that person
2 would have regular contact with the child for whom those payments are being made
3 or finally permit a person to be an adult resident until the county department or, in
4 a county having a population of 500,000 or more, the department of health and family
5 services receives information from the department of justice indicating that the
6 person's conviction record under the law of this state is satisfactory according to the
7 criteria specified in par. (g) 1. to 3. and the county department ~~so advises~~ or, in a
8 county having a population of 500,000 or more, the department of health and family
9 services and so advises the person receiving payments under sub. (3m) or the
10 department of health and family services so advises that person until a decision is
11 made under par. (h) 4. to permit a person who is receiving payments under sub. (3m)
12 to employ a person in a position in which that person would have regular contact with
13 the child for whom payments are being made or to permit a person to be an adult
14 resident and the county department or, in a county having a population of 500,000
15 or more, the department of health and family services so advises the person receiving
16 payments under sub. (3m). A person receiving payments under sub. (3m) may finally
17 employ a person in a position in which that person would have regular contact with
18 the child for whom those payments are being made or finally permit a person to be
19 an adult resident conditioned on the receipt of information from the county
20 department or, in a county having a population of 500,000 or more, the department
21 of health and family services that the federal bureau of investigation indicates that
22 the person's conviction record under the law of any other state or under federal law
23 is satisfactory according to the criteria specified in par. (g) 1. to 3.

24 **SECTION 1630.** 48.61 (3) of the statutes is amended to read:

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1 48.61 (3) To provide appropriate care and training for children in its legal or
2 physical custody and, if licensed to do so, to place children in licensed foster homes,
3 licensed treatment foster homes, and licensed group homes and in the homes of the
4 children's guardians under s. 48.977 (2).

5 **SECTION 1631.** 48.61 (8) of the statutes is created to read:

6 48.61 (8) If licensed to do so, to conduct searches for birth parents under s.
7 48.433 (6).

8 **SECTION 1632.** 48.615 (1) (b) of the statutes is amended to read:

9 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to
10 a child welfare agency that places children in licensed foster homes, licensed
11 treatment foster homes, and licensed group homes and in the homes of the children's
12 guardians under s. 48.977 (2), the child welfare agency must pay to the department
13 a biennial fee of \$254.10. (2) who was licensed as the child's foster parent or
14 treatment foster parent before the guardianship appointment, and who is a resident
15 of a county having a population of 500,000 or more.

16 **SECTION 1633.** 48.62 (2) of the statutes is amended to read:

17 48.62 (2) A relative, as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a),
18 or a guardian of a child, who provides care and maintenance for a child, is not
19 required to obtain the license specified in this section. The department, a county
20 department, or a licensed child welfare agency as provided in s. 48.75 ~~may~~ shall issue
21 a license to operate a foster home or a treatment foster home to a relative who has
22 no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster
23 home or treatment foster home for a specific child who is either placed by court order
24 or who is the subject of a voluntary placement agreement under s. 48.63. The
25 department, a county department, or a licensed child welfare agency ~~may~~ shall, at

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1 the request of a guardian appointed under s. 48.977 or 48.978 or ch. 880, license the
2 guardian's home as a foster home or treatment foster home for the guardian's minor
3 ward who is living in the home and who is placed in the home by court order.
4 Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978
5 or ch. 880 who are licensed to operate foster homes or treatment foster homes are
6 subject to the department's licensing rules.

7 **SECTION 1634.** 48.62 (5) of the statutes is created to read:

8 48.62 (5) (a) Subject to par. (b), monthly subsidized guardianship payments
9 shall be provided to a guardian of a child under s. 48.977 (2) who was licensed as the
10 child's foster parent or treatment foster parent before the guardianship
11 appointment, and who is a resident of a county having a population of 500,000 or
12 more according to a rate established by the department based on the average amount
13 of general purpose revenues expended for foster care per child in foster care in a
14 county having a population of 500,000 or more in fiscal year 2000-01 if the child
15 meets any of the following conditions:

16 1. The child is 12 years of age or over and has been placed outside of his or her
17 home, as described in s. 48.365 (1), for 15 of the most recent 22 months, the parental
18 rights of both of the child's parents or of the child's only living parent have been
19 terminated, or the court has found under s. 48.977 (2) (f) that the agency primarily
20 responsible for providing services to the child under a court order has made
21 reasonable efforts to make it possible for the child to return to his or her home, while
22 assuring that the child's health and safety are the paramount concerns, but that
23 reunification of the child with the child's parent or parents is unlikely or contrary to
24 the best interests of the child and that further reunification efforts are unlikely to

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1 be made or are contrary to the best interests of the child, or that any of the
2 circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., or 4. apply.

3 2. The child does not meet the conditions specified in subd. 1., but the
4 department has determined, and the court has confirmed under s. 48.977 (3r), that
5 providing monthly subsidized guardianship payments to the guardian is in the best
6 interests of the child.

7 (b) The department shall request from the secretary of the federal department
8 of health and human services a waiver of the requirements under 42 USC 670 to 679a
9 that would authorize the state to receive federal foster care and adoption assistance
10 reimbursement under 42 USC 670 to 679a for the costs of providing care for a child
11 who is in the care of a guardian who was licensed as the child's foster parent or
12 treatment foster parent before the guardianship appointment. If the waiver is
13 approved, the rate established under par. (a) shall not apply, and monthly subsidized
14 guardianship payments under par. (a) shall be provided to the guardian according
15 to the terms of the waiver.

16 **SECTION 1635.** 48.627 (3) (h) of the statutes is amended to read:

17 48.627 (3) (h) If a claim by a foster, treatment foster or family-operated group
18 home parent or a member of the foster, treatment foster or family-operated group
19 home parent's family is approved, the department shall deduct from the amount
20 approved ~~\$200~~ \$100 less any amount deducted by an insurance company from a
21 payment for the same claim, except that a foster, treatment foster or family-operated
22 group home parent and his or her family are subject to only one deductible for all
23 claims filed in a fiscal year.

24 **SECTION 1636.** 48.651 (1) (intro.) of the statutes is amended to read:

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1 48.651 (1) (intro.) Each county department shall certify, according to the
2 standards adopted by the department of workforce development under s. 49.155 (1d),
3 each day care provider reimbursed for child care services provided to families
4 determined eligible under s. 49.155 (1m), unless the provider is a day care center
5 licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each
6 county may charge a fee to cover the costs of certification. To be certified under this
7 section, a person must meet the minimum requirements for certification established
8 by the department of workforce development under s. 49.155 (1d), meet the
9 requirements specified in s. 48.685 and pay the fee specified in this section. The
10 county shall certify the following categories of day care providers:

11 **SECTION 1637.** 48.977 (title) of the statutes is amended to read:

12 **48.977 (title) Appointment of relatives as guardians for certain**
13 **children in need of protection or services.**

14 **SECTION 1638.** 48.977 (1) of the statutes is repealed.

15 **SECTION 1639.** 48.977 (2) (intro.) of the statutes is amended to read:

16 48.977 (2) TYPE OF GUARDIANSHIP. (intro.) This section may be used for the
17 appointment of a ~~relative of a child as a~~ guardian of the person for the a child if the
18 court finds all of the following:

19 **SECTION 1640.** 48.977 (2) (a) of the statutes is amended to read:

20 48.977 (2) (a) That the child has been adjudged to be in need of protection or
21 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or
22 938.13 (4) and been placed, or continued in a placement, outside of his or her home
23 pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365,
24 938.345, 938.357, 938.363, or 938.365 ~~for a cumulative total period of one year or~~
25 longer or that the child has been so adjudged and placement of the child in the home

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1 of a guardian under this section has been recommended under s. 48.33 (1) or 938.33
2 (1) or requested under s. 48.357 (1) or (2m) or 938.357 (1) or (2m).

3 **SECTION 1641.** 48.977 (2) (b) of the statutes is amended to read:

4 48.977 (2) (b) That the person nominated as the guardian of the child is a
5 relative of the child person with whom the child has been placed or in whose home
6 placement of the child is recommended or requested under par. (a) and that it is likely
7 that the child will continue to be placed with that relative person for an extended
8 period of time or until the child attains the age of 18 years.

9 **SECTION 1642.** 48.977 (2) (c) of the statutes is amended to read:

10 48.977 (2) (c) That, if appointed, it is likely that the relative person would be
11 willing and able to serve as the child's guardian for an extended period of time or until
12 the child attains the age of 18 years.

13 **SECTION 1643.** 48.977 (2) (f) of the statutes is amended to read:

14 48.977 (2) (f) That the agency primarily responsible for providing services to
15 the child under a court order has made reasonable efforts to make it possible for the
16 child to return to his or her home, while assuring that the child's health and safety
17 are the paramount concerns, but that reunification of the child with the child's
18 parent or parents is unlikely or contrary to the best interests of the child and that
19 further reunification efforts are unlikely to be made or are contrary to the best
20 interests of the child or that the agency primarily responsible for providing services
21 to the child under a court order has made reasonable efforts to prevent the removal
22 of the child from his or her home, while assuring that the child's health and safety
23 are the paramount concerns, but that continued placement of the child in the home
24 would be contrary to the health, safety, and welfare of the child, except that the court
25 need not find that the agency has made those reasonable efforts with respect to a

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1 parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3.,
2 or 4. apply to that parent.

3 **SECTION 1644.** 48.977 (3r) of the statutes is created to read:

4 48.977 (3r) SUBSIDIZED GUARDIANSHIP. If the department has determined that
5 providing monthly subsidized guardianship payments to the guardian of a child who
6 does not meet the conditions specified under s. 48.62 (5) (a) 1. is in the best interests
7 of the child, the petitioner under sub. (4) (a) shall include in the petition under sub.
8 (4) (b) a statement of that determination and a request for the court to include in the
9 court's findings under sub. (4) (d) a finding confirming that determination. If the
10 court confirms that determination and appoints a guardian for the child under sub.
11 (2) and if the guardian was licensed as the child's foster parent or treatment foster
12 parent before the guardianship appointment and is a resident of a county having a
13 population of 500,000 or more, the department shall provide monthly subsidized
14 guardianship payments to the guardian under s. 48.62 (5).

15 **SECTION 1645.** 48.977 (4) (a) 4. of the statutes is amended to read:

16 48.977 (4) (a) 4. The relative person with whom the child is placed or in whose
17 home placement of the child is recommended or requested as described in sub. (2) (a),
18 if the relative person is nominated as the guardian of the child in the petition.

19 **SECTION 1646.** 48.977 (4) (a) 6. of the statutes is amended to read:

20 48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has
21 been placed pursuant to an order under ch. 938 or the child's placement with the
22 guardian is recommended or requested under ch. 938, a county department under
23 s. 46.215, 46.22, or 46.23.

24 **SECTION 1647.** 48.977 (4) (b) 3. of the statutes is amended to read:

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1 48.977 (4) (b) 3. The date the child was adjudged in need of protection or
2 services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11) or (11m) or
3 938.13 (4) and the dates that the child has been placed, or continued in a placement,
4 outside of his or her home pursuant to one or more court orders under s. 48.345,
5 48.357, 48.363, 48.365, 938.345, 938.357, 938.363 or 938.365 or, if the child has been
6 so adjudged, but not so placed, the date of the report under s. 48.33 (1) or 938.33 (1)
7 or the request for a change in placement under s. 48.357 (1) or (2m) or 938.357 (1)
8 or (2m) in which placement of the child in the home of the person is recommended
9 or requested.

10 **SECTION 1648.** 48.977 (4) (c) 1. g. of the statutes is amended to read:

11 48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose
12 home placement of the child is recommended or requested as described in sub. (2) (a),
13 if the relative is nominated as the guardian of the child in the petition.

14 **SECTION 1649.** 48.977 (4) (e) of the statutes is amended to read:

15 48.977 (4) (e) *Court report.* The For a child who has been placed, or continued
16 in a placement, outside of his or her home for 6 months or longer, the court shall order
17 the person or agency primarily responsible for providing services to the child under
18 a court order to file with the court a report containing the written summary under
19 s. 48.38 (5) (e) and as much information relating to the appointment of a guardian
20 as is reasonably ascertainable. For a child who has been placed, or continued in a
21 placement, outside of his or her home for less than 6 months, the court shall order
22 the person or agency primarily responsible for providing services to the child under
23 a court order to file with the court the report submitted under s. 48.33 (1) or 938.33
24 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared,
25 and as much information relating to the appointment of a guardian as is reasonably

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1 ascertainable. The agency shall file the report at least 48 hours before the date of
2 the dispositional hearing under par. (fm).

3 **SECTION 1650.** 48.977 (4) (g) 1. of the statutes is amended to read:

4 48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of
5 the child.

6 **SECTION 1651.** 48.977 (4) (g) 2. of the statutes is amended to read:

7 48.977 (4) (g) 2. The willingness and ability of the relative person to serve as
8 the child's guardian for an extended period of time or until the child attains the age
9 of 18 years.

10 **SECTION 1652.** 48.982 (2) (d) of the statutes is amended to read:

11 48.982 (2) (d) Solicit and accept contributions, grants, gifts, and bequests for
12 the children's trust fund or for any other purpose for which a contribution, grant, gift,
13 or bequest is made and received. ~~Moneys and receive moneys under s. 341.14 (6r)~~
14 (b) 6. Contributions, grants, gifts, and bequests received under this paragraph, ~~other~~
15 ~~than 50% of the~~ moneys received under s. 341.14 (6r) (b) 6., ~~may be credited to the~~
16 ~~appropriation accounts under s. 20.433 (1) (i), (q) or (r).~~ Interest and all interest
17 earned on the moneys received under s. 341.14 (6r) (b) 6. may be credited to the
18 appropriation accounts account under s. 20.433 (1) (q) ~~or (r)~~.

19 **SECTION 1653.** 48.982 (2m) (intro.) of the statutes is amended to read:

20 48.982 (2m) DONATION USES. (intro.) If money is accepted by the board for the
21 children's trust fund or for any other purpose under sub. (2) (d) and appropriated
22 under s. 20.433 (1) (q) ~~or (r)~~, the board shall use the money in accordance with the
23 wishes of the donor to do any of the following:

24 **SECTION 1654.** 48.982 (3) of the statutes is amended to read:

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1 48.982 (3) STAFF AND SALARIES. The board shall determine the qualifications of
2 and appoint, in the classified service, an executive director and staff. The salaries
3 of the executive director and staff and all actual and necessary operating expenses
4 of the board shall be paid from the appropriations under s. 20.433 (1) (g), (i), (k), (m),
5 and ~~(r)~~ (q).

6 **SECTION 1655.** 48.982 (5) of the statutes is amended to read:

7 48.982 (5) STATEWIDE PROJECTS. From the appropriations under s. 20.433 (1) (i)
8 and ~~(r)~~ (q), the board shall administer any statewide project for which it has accepted
9 money under sub. (2m) (c).

10 **SECTION 1656.** 48.982 (6) (a) of the statutes is amended to read:

11 48.982 (6) (a) From the appropriations under s. 20.433 (1) ~~(b)~~, (h), (i), (k), (ma),
12 and (q), the board shall award grants to organizations in accordance with the
13 request-for-proposal procedures developed under sub. (2) (a). No organization may
14 receive a grant or grants under this subsection totaling more than \$150,000 in any
15 year.

16 **SECTION 1657.** 49.137 (4m) of the statutes is created to read:

17 49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The department shall award
18 grants to local governments and tribal governing bodies for programs to improve the
19 quality of child care. The department shall promulgate rules to administer the grant
20 program, including rules that specify the eligibility criteria and procedures for
21 awarding the grants.

22 **SECTION 1658.** 49.143 (2) (a) (intro.) of the statutes is amended to read:

23 49.143 (2) (a) (intro.) Establish a community steering committee within 60
24 days after the date on which the contract is awarded. The Wisconsin works agency
25 shall recommend the members of the committee to the chief executive officer of each

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1 county served by the Wisconsin works agency. The chief executive officer of each
2 county shall appoint the members of the committee. The number of members that
3 each chief executive officer appoints to the committee shall be in proportion to the
4 population of that officer's county relative to the population of each other county
5 served by the Wisconsin works agency, except that the chief executive officer of a
6 county that is not a Wisconsin works agency shall appoint the director of the county
7 department under s. 46.215, 46.22, or 46.23, or his or her designee, and one other
8 representative of the county department under s. 46.215, 46.22, or 46.23. The
9 committee shall consist of at least 12 members, but not more than 15 members. The
10 members of the committee shall appoint a chairperson who shall be a person who
11 represents business interests. The committee shall do all of the following:

12 **SECTION 1659.** 49.143 (2) (a) 7. of the statutes is amended to read:

13 49.143 (2) (a) 7. Coordinate with the council on workforce investment
14 established under 29 USC 2821 and a local workforce development board established
15 under 29 USC 2832 to ensure compatibility of purpose and no duplication of effort.

16 **SECTION 1660.** 49.143 (2) (a) 11. of the statutes is created to read:

17 49.143 (2) (a) 11. Serve individuals who are receiving temporary assistance for
18 needy families under 42 USC 601 to 619.

19 **SECTION 1661.** 49.155 (1g) (b) of the statutes is amended to read:

20 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
21 \$8,012,500 \$29,199,300 in fiscal year 1999-2000 2001-02 and \$7,412,500
22 \$29,185,400 in fiscal year 2000-01 2002-03 for the purposes of providing technical
23 assistance for child care providers and of administering the child care program under
24 this section and for grants under s. 49.136 (2) for the start-up and expansion of child
25 day care services, and for child day care start-up and expansion planning, for grants

SENATE BILL 55**SECTION 1661**

1 under s. 49.134 (2) for child day care resource and referral services, for grants under
2 s. 49.137 (3) to assist child care providers in meeting the quality of care standards
3 established under sub. (1d), and for a system of rates or a program of grants, as
4 provided under sub. (1d), to reimburse child care providers that meet those quality
5 of care standards and for grants under s. 49.137 (2) and (4m) and contracts under s.
6 49.137 (4) to improve the quality of child day care services in this state.

7 **SECTION 1662.** 49.155 (1g) (c) of the statutes is amended to read:

8 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
9 ~~\$3,596,900~~ \$4,549,500 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$3,745,200~~ \$4,733,700
10 in fiscal year ~~2000-01~~ 2002-03 to the appropriation under s. 20.435 (3) (kx), and
11 transfer ~~\$20,700~~ in fiscal year ~~1999-2000~~ and ~~\$27,700~~ in fiscal year ~~2000-01~~ to the
12 appropriation under s. 20.435 (8) (kx), for the purpose of day care center licensing
13 under s. 48.65.

14 **SECTION 1663.** 49.155 (1m) (intro.) of the statutes is amended to read:

15 49.155 (1m) ELIGIBILITY. (intro.) A Wisconsin works agency shall determine
16 eligibility for a child care subsidy under this section. ~~Under this section~~ Except as
17 provided in sub. (2m), an individual may receive a subsidy for child care for a child
18 who has not attained the age of 13 or, if the child is disabled, who has not attained
19 the age of 19, if the individual meets all of the following conditions:

20 **SECTION 1664.** 49.155 (1m) (bm) of the statutes is amended to read:

21 49.155 (1m) (bm) If the individual is providing care for a child under a court
22 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
23 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child
24 care is needed for that child, the individual meets the requirement under s. 49.145
25 (2) (c).

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1 **SECTION 1665.** 49.155 (1m) (c) (intro.) of the statutes is repealed.

2 **SECTION 1666.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

3 49.155 **(1m)** (c) 1. (intro.) ~~The Except as provided in subds. 1g., 1h., 1m., 2., and~~
4 3., the gross income of the individual's family is at or below 185% of the poverty line
5 for a family the size of the individual's family or, for an individual who is already
6 receiving a child care subsidy under this section, the gross income of the individual's
7 family is at or below 200% of the poverty line for a family the size of the individual's
8 family. In calculating the gross income of the family, the Wisconsin works agency
9 shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in
10 calculating farm and self-employment income, the Wisconsin works agency shall
11 include the sum of the following:

12 **SECTION 1667.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

13 49.155 **(1m)** (c) 1g. ~~The If the~~ individual is a foster parent of the child ~~and,~~ the
14 child's biological or adoptive family has a gross income that is at or below 200% of the
15 poverty line. In calculating the gross income of the child's biological or adoptive
16 family, the Wisconsin works agency shall include income described under s. 49.145
17 (3) (b) 1. and 3.

18 **SECTION 1668.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

19 49.155 **(1m)** (c) 1h. ~~The If the~~ individual is a relative of the child, is providing
20 care for the child under a court order, and is receiving payments under s. 48.57 (3m)
21 or (3n) on behalf of the child ~~and,~~ the child's biological or adoptive family has a gross
22 income that is at or below 200% of the poverty line. In calculating the gross income
23 of the child's biological or adoptive family, the Wisconsin works agency shall include
24 income described under s. 49.145 (3) (b) 1. and 3.

25 **SECTION 1669.** 49.155 (1m) (c) 1m. of the statutes is amended to read:

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1 49.155 (1m) (c) 1m. The If the individual was eligible under s. 49.132 (4) (a),
2 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
3 stats., on September 30, 1997, but lost aid solely because of the application of s.
4 49.132 (6), 1995 stats., and the gross income of the individual's family is at or below
5 200% of the poverty line for a family the size of the individual's family. This
6 subdivision does not apply to an individual whose family's gross income at any time
7 on or after September 30, 1997, is more than 200% of the poverty line for a family the
8 size of the individual's family.

9 **SECTION 1670.** 49.155 (1m) (c) 2. of the statutes is amended to read:

10 49.155 (1m) (c) 2. The If the individual was eligible under s. 49.132 (4) (am),
11 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
12 stats., on or after May 10, 1996, but lost eligibility solely because of increased
13 income, and the gross income of the individual's family is at or below 200% of the
14 poverty line for a family the size of the individual's family. This subdivision does not
15 apply to an individual whose family's gross income increased to more than 200% of
16 the poverty line for a family the size of the individual's family.

17 **SECTION 1671.** 49.155 (1m) (c) 3. of the statutes is amended to read:

18 49.155 (1m) (c) 3. The If the individual was eligible for a child care subsidy
19 under s. 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care
20 subsidy on or after May 10, 1996, but lost the subsidy solely because of increased
21 income, and the gross income of the individual's family is at or below 200% of the
22 poverty line for a family the size of the individual's family. This subdivision does not
23 apply to an individual whose family's gross income increased to more than 200% of
24 the poverty line for a family the size of the individual's family.

25 **SECTION 1672.** 49.155 (2m) of the statutes is created to read:

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1 49.155 (2m) PLAN TO LIMIT PARTICIPATION. If the department determines that
2 moneys allocated under s. 49.175 (1) (p) are insufficient to provide a child care
3 subsidy to individuals who meet the requirements under sub. (1m), the department
4 may develop a plan to limit participation in the child care subsidy program. The plan
5 may specify requirements that an individual must meet to be eligible for a subsidy
6 that are different from those specified under sub. (1m). The department shall submit
7 the plan to the secretary of administration for approval. If the secretary of
8 administration approves the plan, the department may limit participation as
9 specified in the plan.

10 **SECTION 1673.** 49.155 (3) (a) of the statutes is amended to read:

11 49.155 (3) (a) A Wisconsin works agency shall refer an individual who has been
12 determined eligible under sub. (1m) or under a plan approved by the secretary of
13 administration under sub. (2m) to a county department under s. 46.215, 46.22 or
14 46.23 for child care assistance.

15 **SECTION 1674.** 49.155 (3m) (title) of the statutes is amended to read:

16 49.155 (3m) (title) DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES, WISCONSIN
17 WORKS AGENCIES, AND CERTAIN CHILD CARE PROVIDERS.

18 **SECTION 1675.** 49.155 (3m) (a) of the statutes is amended to read:

19 49.155 (3m) (a) The department shall reimburse child care providers or shall
20 distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care
21 services provided under this section and to private nonprofit agencies that provide
22 child care for children of migrant workers. The department may reimburse a
23 Wisconsin works agency for child care that the Wisconsin works agency provides to
24 the children of Wisconsin works participants and applicants.

25 **SECTION 1676.** 49.155 (3m) (d) of the statutes is amended to read:

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1 49.155 (3m) (d) No funds distributed under par. (a) may be used to provide for
2 child care services that are provided for a child by a person child care provider who
3 is the parent of the child or who resides with the child, unless the county determines
4 that the care is necessary because of a special health condition of the child.

5 **SECTION 1677.** 49.1635 of the statutes is repealed.

6 **SECTION 1678.** 49.175 (1) (intro.) of the statutes is amended to read:

7 49.175 (1) ALLOCATION OF FUNDS. (intro.) ~~Within~~ Except as provided in sub. (2),
8 within the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e),
9 (em), (jL), (k), (L), (Lm), (mc), (md), (nL), (pm), and (ps), the department shall allocate
10 the following amounts for the following purposes:

11 **SECTION 1679.** 49.175 (1) (a) of the statutes is amended to read:

12 49.175 (1) (a) *Wisconsin works benefits.* For Wisconsin works benefits provided
13 under contracts having a term that begins on January 1, ~~2000~~ 2002, and ends on
14 December 31, ~~2001, \$24,649,800~~ 2003, \$26,041,300 in fiscal year ~~1999-2000~~
15 2001-02 and ~~\$49,309,600~~ \$52,082,600 in fiscal year ~~2000-01~~ 2002-03.

16 **SECTION 1680.** 49.175 (1) (b) of the statutes is amended to read:

17 49.175 (1) (b) *Wisconsin works administration and ancillary services.* For
18 administration of Wisconsin works and program services under Wisconsin works
19 performed under contracts under s. 49.143 having a term that begins on January 1,
20 ~~2000~~ 2002, and ends on December 31, ~~2001, \$64,216,800~~ 2003, \$62,830,400 in fiscal
21 year ~~1999-2000~~ 2001-02 and ~~\$128,433,800~~ \$125,660,800 in fiscal year ~~2000-01~~
22 2002-03.

23 **SECTION 1681.** 49.175 (1) (c) of the statutes is repealed.

24 **SECTION 1682.** 49.175 (1) (d) of the statutes is amended to read:

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1 49.175 (1) (d) *Community reinvestment*. For reinvestment of funds into
2 communities under s. 49.179, ~~\$2,779,800~~ \$5,559,800 in fiscal year 1999-2000
3 2001-02 and \$5,559,800 in fiscal year ~~2000-01~~ 2002-03.

4 **SECTION 1683.** 49.175 (1) (e) of the statutes is amended to read:

5 49.175 (1) (e) *Initial contracts*. For contracts under s. 49.143 having a term that
6 ends on December 31, ~~1999, \$245,171,800~~ 2001, \$157,658,100 in fiscal year
7 ~~1999-2000~~ 2001-02.

8 **SECTION 1684.** 49.175 (1) (f) of the statutes is repealed.

9 **SECTION 1685.** 49.175 (1) (g) of the statutes is amended to read:

10 49.175 (1) (g) *State administration of public assistance programs*. For state
11 administration of public assistance programs, ~~\$31,831,000~~ \$24,736,200 in fiscal year
12 ~~1999-2000~~ 2001-02 and ~~\$31,783,200~~ \$24,742,500 in fiscal year ~~2000-01~~ 2002-03.

13 **SECTION 1686.** 49.175 (1) (h) of the statutes is amended to read:

14 49.175 (1) (h) *Food stamps for legal immigrants*. For food stamp benefits to
15 qualified aliens under s. 49.124 (8), ~~\$420,000~~ \$550,000 in each fiscal year.

16 **SECTION 1687.** 49.175 (1) (j) of the statutes is amended to read:

17 49.175 (1) (j) *Funeral expenses*. For funeral expenses under s. 49.30,
18 ~~\$3,300,000~~ \$4,550,200 in fiscal year 1999-2000 2001-02 and ~~\$3,925,100~~ \$4,550,200
19 in fiscal year ~~2000-01~~ 2002-03.

20 **SECTION 1688.** 49.175 (1) (m) of the statutes is amended to read:

21 49.175 (1) (m) *Children first*. For services under the work experience program
22 for noncustodial parents under s. 49.36, ~~\$1,140,000~~ \$2,800,000 in each fiscal year.

23 **SECTION 1689.** 49.175 (1) (n) of the statutes is amended to read:

24 49.175 (1) (n) *Job access loans*. For job access loans under s. 49.147 (6),
25 ~~\$600,000~~ \$1,000,000 in each fiscal year.

SENATE BILL 55**SECTION 1690**

1 **SECTION 1690.** 49.175 (1) (p) of the statutes is amended to read:

2 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
3 49.155, ~~\$159,560,000~~ \$242,475,000 in fiscal year ~~1999-2000~~ 2001-02 and
4 ~~\$181,050,000~~ \$242,475,000 in fiscal year ~~2000-01~~ 2002-03.

5 **SECTION 1691.** 49.175 (1) (q) of the statutes is amended to read:

6 49.175 (1) (q) *Indirect child care services.* For indirect child care services under
7 s. 49.155 (1g), ~~\$11,812,300~~ \$16,253,800 in fiscal year ~~1999-2000~~ 2001-02 and
8 ~~\$11,367,600~~ \$16,439,000 in fiscal year ~~2000-01~~ 2002-03.

9 **SECTION 1692.** 49.175 (1) (qm) of the statutes is created to read:

10 49.175 (1) (qm) *Local pass-through grant program.* For the local pass-through
11 grant program under s. 49.137 (4m), \$17,495,000 in fiscal year 2001-02 and
12 \$17,481,100 in fiscal year 2002-03.

13 **SECTION 1693.** 49.175 (1) (s) of the statutes is repealed.

14 **SECTION 1694.** 49.175 (1) (t) of the statutes is amended to read:

15 49.175 (1) (t) *Wisconsin works contracts in certain counties.* For contracts with
16 persons for oversight of the administrative structure of Wisconsin works, and of
17 Wisconsin works agencies, in counties having a population of 500,000 or more,
18 ~~\$1,500,000 in fiscal year 1999-2000 and \$1,000,000~~ \$500,000 in each fiscal year
19 ~~2000-01~~.

20 **SECTION 1695.** 49.175 (1) (u) of the statutes is amended to read:

21 49.175 (1) (u) *Workforce attachment.* For services specified under s. 49.173,
22 ~~\$9,700,000 in fiscal year 1999-2000 and \$10,000,000 in~~ each fiscal year ~~2000-01~~.
23 ~~The department may not distribute moneys allocated under this paragraph unless~~
24 ~~the joint committee on finance approves the distribution.~~

25 **SECTION 1696.** 49.175 (1) (v) of the statutes is amended to read:

SENATE BILL 55**SECTION 1696**

1 49.175 (1) (v) *Transportation assistance*. For transportation assistance under
2 s. 49.157, ~~\$200,000 in fiscal year 1999-2000~~ and \$2,000,000 in each fiscal year
3 ~~2000-01~~.

4 **SECTION 1697.** 49.175 (1) (w) of the statutes is repealed.

5 **SECTION 1698.** 49.175 (1) (x) of the statutes is repealed.

6 **SECTION 1699.** 49.175 (1) (y) of the statutes is amended to read:

7 49.175 (1) (y) *Literacy initiative*. For literacy grants under s. 49.169 and
8 literacy services administered by the governor's office, ~~\$1,454,100 in each~~ \$1,425,800
9 in fiscal year 2001-02 and \$800,000 in fiscal year 2002-03.

10 **SECTION 1700.** 49.175 (1) (z) of the statutes is amended to read:

11 49.175 (1) (z) *Community youth grant*. For a competitive grant program
12 administered by the department to fund programs that improve social, academic,
13 and employment skills of youth who are eligible to receive temporary assistance for
14 needy families under 42 USC 601 et seq., ~~\$7,500,000 in each~~ \$7,079,700 in fiscal year
15 2001-02.

16 **SECTION 1701.** 49.175 (1) (zb) of the statutes is amended to read:

17 49.175 (1) (zb) *Work-based learning programs for youth*. For work-based
18 learning programs for youth funded from the appropriation under s. 20.445 (7) (kc),
19 ~~\$2,969,700~~ \$6,399,000 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$6,084,500 in~~
20 \$2,000,000 in fiscal year ~~2000-01~~ 2002-03.

21 **SECTION 1702.** 49.175 (1) (zc) of the statutes is amended to read:

22 49.175 (1) (zc) *Fatherhood initiative*. For a grant program to promote fathers'
23 involvement in their children's lives, ~~\$75,000 in fiscal year 1999-2000~~ \$200,000 in
24 each fiscal year.

25 **SECTION 1703.** 49.175 (1) (zd) of the statutes is amended to read:

SENATE BILL 55**SECTION 1703**

1 49.175 (1) (zd) *Alcohol and other drug abuse.* For grants made under s. 49.167
2 to organizations that provide community-based alcohol and other drug abuse
3 treatment to individuals who are eligible for temporary assistance for needy families
4 under 42 USC 601 et. seq., ~~\$1,000,000 in each~~ \$500,000 in fiscal year 2001-02.

5 **SECTION 1704.** 49.175 (1) (ze) 1. of the statutes is amended to read:

6 49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the
7 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
8 (3p), ~~\$24,530,100 in~~ \$24,565,300 in each fiscal year ~~1999-2000 and~~ ~~\$26,164,100 in~~
9 ~~fiscal year 2000-01.~~

10 **SECTION 1705.** 49.175 (1) (ze) 2. of the statutes is amended to read:

11 49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For
12 payments made under s. 49.775 for the support of the dependent children of
13 recipients of supplemental security income, ~~\$13,745,200~~ \$18,288,800 in fiscal year
14 ~~1999-2000~~ 2001-02 and ~~\$17,930,000~~ \$16,771,600 in fiscal year ~~2000-01~~ 2002-03.

15 **SECTION 1706.** 49.175 (1) (ze) 3. of the statutes is amended to read:

16 49.175 (1) (ze) 3. 'Community aids.' For community aids, ~~\$31,800,000~~
17 \$18,086,200 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$18,086,200~~ \$13,494,000 in fiscal
18 year ~~2000-01~~ 2002-03.

19 **SECTION 1707.** 49.175 (1) (ze) 7. of the statutes is amended to read:

20 49.175 (1) (ze) 7. 'Adolescent services and pregnancy prevention programs.'
21 For adolescent services and pregnancy prevention programs under ss. 46.93, 46.99,
22 and 46.995, ~~\$1,808,300~~ \$1,821,300 in each fiscal year.

23 **SECTION 1708.** 49.175 (1) (ze) 8. of the statutes is amended to read:

SENATE BILL 55**SECTION 1708**

1 49.175 (1) (ze) 8. 'Domestic abuse services grants.' For the domestic abuse
2 services grants under s. 46.95 (2), ~~\$975,000 in fiscal year 1999-2000~~ and \$1,000,000
3 in each fiscal year thereafter.

4 **SECTION 1709.** 49.175 (1) (ze) 10. of the statutes is repealed.

5 **SECTION 1710.** 49.175 (1) (zf) of the statutes is amended to read:

6 49.175 (1) (zf) *Badger Challenge*. For the Badger Challenge program under s.
7 21.25, ~~\$33,300 in fiscal year 1999-2000~~ and ~~\$83,200 in~~ \$83,200 in each fiscal year
8 2000-01.

9 **SECTION 1711.** 49.175 (1) (zh) of the statutes is amended to read:

10 49.175 (1) (zh) **EARNED INCOME TAX CREDIT**. For the transfer of moneys from the
11 appropriation account under s. 20.445 (3) (md) to the appropriation account under
12 s. 20.835 (2) (kf) for the earned income tax credit, ~~\$51,000,000~~ \$51,244,500 in fiscal
13 year ~~1999-2000~~ 2001-02 and ~~\$54,000,000~~ \$53,665,500 in fiscal year ~~2000-01~~
14 2002-03.

15 **SECTION 1712.** 49.175 (1) (zk) of the statutes is repealed.

16 **SECTION 1713.** 49.175 (1) (zL) of the statutes is repealed.

17 **SECTION 1714.** 49.175 (1) (zm) of the statutes is repealed.

18 **SECTION 1715.** 49.175 (2) (title) of the statutes is amended to read:

19 49.175 (2) (title) ~~REDISTRIBUTION~~ REALLOCATION OF FUNDS.

20 **SECTION 1716.** 49.175 (2) of the statutes is renumbered 49.175 (2) (a) and
21 amended to read:

22 49.175 (2) (a) The department may ~~redistribute~~ reallocate the funds allocated
23 under sub. (1) for a purpose specified under any paragraph under sub. (1) ~~to be used~~
24 ~~for any other purpose specified in any other paragraph under sub. (1)~~ if the secretary
25 of administration approves the ~~redistribution~~ reallocation.

SENATE BILL 55**SECTION 1717**

1 **SECTION 1717.** 49.175 (2) (b) of the statutes is created to read:

2 49.175 (2) (b) If the amounts of federal block grant moneys that are required
3 to be credited to the appropriation accounts under s. 20.445 (3) (mc) and (md) are less
4 than the amounts appropriated under s. 20.445 (3) (mc) and (md), the department
5 shall submit a plan to the secretary of administration for reducing the amounts of
6 moneys allocated under sub. (1). If the secretary of administration approves the
7 plan, the amounts of moneys required to be allocated under sub. (1) may be reduced
8 as proposed by the department and the department shall allocate the moneys as
9 specified in the plan.

10 **SECTION 1718.** 49.175 (3) of the statutes is created to read:

11 49.175 (3) REPORT ON EXPENDITURES. In each fiscal year, the department shall
12 submit a report to the secretary of administration on the expenditures made from the
13 appropriation accounts under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em), (jL), (k),
14 (L), (Lm), (mc), (md), (nL), (pm), and (ps) in the previous fiscal year for the purposes
15 specified in sub. (1).

16 **SECTION 1719.** 49.185 (2) of the statutes is renumbered 49.185 (2) (a) and
17 amended to read:

18 49.185 (2) (a) ~~A Subject to par. (b), a person contracting with the department~~
19 under sub. (4) may make an employment skills advancement grant of up to \$500
20 \$1,000 to an individual eligible under sub. (3) for tuition, books, transportation or
21 other direct costs of training or education in a vocational training or education
22 program.

23 **SECTION 1720.** 49.185 (3) (g) of the statutes is amended to read:

24 49.185 (3) (g) The income of the individual's family does not exceed ~~165%~~ 185%
25 of the poverty line.

SENATE BILL 55**SECTION 1721**

1 **SECTION 1721.** 49.185 (3) (i) of the statutes is amended to read:

2 49.185 (3) (i) The individual contributes, or obtains from other sources, an
3 amount at least equal to 50% of the amount of the grant, for tuition, books,
4 transportation or other direct costs of the training or education.

5 **SECTION 1722.** 49.185 (3) (j) of the statutes is renumbered 49.185 (2) (b) and
6 amended to read:

7 49.185 (2) (b) The total amount of the ~~grant plus the amount of any grant that~~
8 ~~that individual has previously received~~ all grants awarded to an individual under
9 this section ~~does~~ may not exceed \$~~500~~ \$1,000.

10 **SECTION 1723.** 49.197 (1m) of the statutes is amended to read:

11 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)
12 (dz), (L), (md), (n), and (nL), the department shall establish a program to investigate
13 suspected fraudulent activity on the part of recipients of ~~medical assistance under~~
14 ~~subch. IV~~, aid to families with dependent children under s. 49.19 and food stamp
15 benefits under the food stamp program under 7 USC 2011 to 2036 and, on the part
16 of participants in the Wisconsin works program under ss. 49.141 to 49.161, and, if
17 the department of health and family services contracts with the department under
18 s. 49.45 (2) (b) 6., on the part of recipients of medical assistance under subch. IV. The
19 department's activities under this subsection may include, but are not limited to,
20 comparisons of information provided to the department by an applicant and
21 information provided by the applicant to other federal, state, and local agencies,
22 development of an advisory welfare investigation prosecution standard, and
23 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to
24 Wisconsin works agencies to encourage activities to detect fraud. The department
25 shall cooperate with district attorneys regarding fraud prosecutions.

SENATE BILL 55**SECTION 1724**

1 **SECTION 1724.** 49.197 (3) of the statutes is amended to read:

2 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
3 activities to reduce payment errors in ~~medical assistance under subch. IV, Wisconsin~~
4 ~~works under ss. 49.141 to 49.161, aid to families with dependent children under s.~~
5 ~~49.19~~ and the food stamp program under 7 USC 2011 to 2029 2036, and, if the
6 department of health and family services contracts with the department under s.
7 49.45 (2) (b) 6., the medical assistance program under subch. IV. The department
8 shall fund the activities under this section from the appropriation under s. 20.445
9 (3) (L).

10 **SECTION 1725.** 49.197 (4) of the statutes is amended to read:

11 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide
12 funds from the appropriations under s. 20.445 (3) (dz), (L), and (Lm) and federal
13 matching funds from the appropriations under s. 20.445 (3) (md), (n), and (nL) to
14 counties and governing bodies of federally recognized American Indian tribes
15 administering ~~medical assistance under subch. IV, aid to families with dependent~~
16 ~~children under s. 49.19~~ or the food stamp program under 7 USC 2011 to 2029 2036
17 or, if the department of health and family services contracts with the department
18 under s. 49.45 (2) (b) 6., the medical assistance program under subch. IV to offset
19 administrative costs of reducing payment errors in those programs.

20 **SECTION 1726.** 49.30 (2) of the statutes is amended to read:

21 49.30 (2) From the ~~appropriation~~ appropriations under s. 20.445 (3) (dz) and
22 (md), the department shall reimburse a county or applicable tribal governing body
23 or organization for any amount that the county or applicable tribal governing body
24 or organization is required to pay under sub. (1). From the ~~appropriation~~
25 appropriations under s. 20.445 (3) (dz) and (md), the department shall reimburse a

SENATE BILL 55**SECTION 1726**

1 county or applicable tribal governing body or organization for cemetery expenses or
2 for funeral and burial expenses for persons described under sub. (1) that the county
3 or applicable tribal governing body or organization is not required to pay under subs.
4 (1) and (1m) only if the department approves the reimbursement due to unusual
5 circumstances.

6 **SECTION 1727.** 49.32 (2) (d) of the statutes is amended to read:

7 49.32 (2) (d) The department shall disburse from state or federal funds or both
8 the entire amount and charge the county for its share under s. 49.33 (8) ~~and (9).~~

9 **SECTION 1728.** 49.32 (7) (b) of the statutes is amended to read:

10 49.32 (7) (b) The department shall conduct a program to periodically match the
11 records of recipients of ~~medical assistance under s. 49.46, 49.468 or 49.47,~~ aid to
12 families with dependent children under s. 49.19 and food stamp benefits under the
13 food stamp program under 7 USC 2011 to ~~2029~~ 2036 and, if the department of health
14 and family services contracts with the department under s. 49.45 (2) (b) 6., recipients
15 of medical assistance under subch. IV with the records of recipients under those
16 programs in other states. If an agreement with the other states can be obtained,
17 matches with records of states contiguous to this state shall be conducted at least
18 annually.

19 **SECTION 1729.** 49.32 (7) (c) of the statutes is amended to read:

20 49.32 (7) (c) The department shall conduct a program to periodically match the
21 address records of recipients of ~~medical assistance under s. 49.46, 49.468 or 49.47,~~
22 aid to families with dependent children under s. 49.19 and food stamp benefits under
23 the food stamp program under 7 USC 2011 to ~~2029~~ 2036 and, if the department of
24 health and family services contracts with the department under s. 49.45 (2) (b) 6.,

SENATE BILL 55**SECTION 1729**

1 recipients of medical assistance under subch. IV to verify residency and to identify
2 recipients receiving duplicate or fraudulent payments.

3 **SECTION 1730.** 49.32 (7) (d) of the statutes is amended to read:

4 49.32 (7) (d) The department, with assistance from the department of
5 corrections, shall conduct a program to periodically match the records of persons
6 confined in state correctional facilities with the records of recipients of medical
7 assistance under s. 49.46, 49.468 or 49.47, aid to families with dependent children
8 under s. 49.19 and food stamp benefits under the food stamp program under 7 USC
9 2011 to 2029 2036 and, if the department of health and family services contracts with
10 the department under s. 49.45 (2) (b) 6., recipients of medical assistance under subch.
11 IV to identify recipients who may be ineligible for benefits.

12 **SECTION 1731.** 49.33 (1) (b) of the statutes is amended to read:

13 49.33 (1) (b) "Income maintenance program" means ~~aid to families with~~
14 ~~dependent children under s. 49.19, the Wisconsin works program~~ under ss. 49.141
15 to 49.161, the medical assistance program under subch. IV of ch. 49, or the food stamp
16 program under 7 USC 2011 to ~~2029 2036~~.

17 **SECTION 1732.** 49.33 (2) of the statutes is repealed and recreated to read:

18 49.33 (2) CONTRACTS. (a) Annually, the department and the department of
19 health and family services shall, jointly, contract with county departments under ss.
20 46.215, 46.22, and 46.23 to reimburse the county departments for the reasonable cost
21 of administering the medical assistance program under subch. IV.

22 (b) Annually, the department shall contract with county departments under ss.
23 46.215, 46.22, and 46.23 to reimburse the county departments for the reasonable cost
24 of administering income maintenance programs, other than the medical assistance
25 program under subch. IV.

SENATE BILL 55**SECTION 1733**

1 **SECTION 1733.** 49.33 (4) of the statutes is repealed.

2 **SECTION 1734.** 49.33 (5) of the statutes is repealed.

3 **SECTION 1735.** 49.33 (6) of the statutes is repealed.

4 **SECTION 1736.** 49.33 (7) of the statutes is repealed.

5 **SECTION 1737.** 49.33 (8) (a) of the statutes is amended to read:

6 49.33 (8) (a) The From the appropriation accounts under ss. 20.445 (3) (dz),
7 (kx), (md), and (nL) and subject to par. (b), the department shall reimburse each
8 county that contracts with the department and the department of health and family
9 services under sub. (2) (a) for reasonable costs of income maintenance relating to the
10 administration of the programs under this subchapter and subch. IV according to
11 administering the medical assistance program under subch. IV and that contracts
12 with the department under sub. (2) (b) for the reasonable costs of administering
13 income maintenance programs other than the medical assistance program under
14 subch. IV. The amount of each reimbursement paid under this paragraph shall be
15 calculated using a formula based on workload within the limits of available state and
16 federal funds under s. 20.445 (3) (dz), (kx), (md), and (nL) by contract under s. 49.33
17 (2). The amount of reimbursement calculated under this paragraph and par. (b) is
18 in addition to any reimbursement provided to a county for fraud and error reduction
19 under s. 49.197 (1m) and (4).

20 **SECTION 1738.** 49.33 (8) (b) of the statutes is amended to read:

21 49.33 (8) (b) The department may adjust the amounts determined under par.
22 (a) for workload changes and computer network activities performed by counties and
23 may reduce the amount of any reimbursement if federal reimbursement is withheld
24 due to audits, quality control samples, or program reviews.

25 **SECTION 1739.** 49.33 (9) of the statutes is repealed.

SENATE BILL 55**SECTION 1740**

1 **SECTION 1740.** 49.33 (10) (a) of the statutes is amended to read:

2 49.33 (10) (a) The county treasurer and each director of a county department
3 under s. 46.215, 46.22, or 46.23 shall certify monthly under oath to the department
4 in such manner as the department prescribes the claim of the county for state
5 reimbursement under ~~subs. sub. (8) and (9) and (a).~~ The department shall review
6 each claim of reimbursement and, if the department approves such the claim it, the
7 department shall certify to the department of administration for reimbursement to
8 the county for amounts due under ~~these subsections sub. (8) (a)~~ and payment claimed
9 to be made to the counties monthly. The department may make advance payments
10 prior to the beginning of each month equal to one-twelfth of the contracted amount.

11 **SECTION 1741.** 49.36 (1) of the statutes is renumbered 49.36 (1) (intro.) and
12 amended to read:

13 49.36 (1) (intro.) In this section, ~~“custodial;~~

14 (a) “Custodial parent” means a parent who lives with his or her child for
15 substantial periods of time.

16 **SECTION 1742.** 49.36 (1) (b) of the statutes is created to read:

17 49.36 (1) (b) “Tribal governing body” means an elected tribal governing body
18 of a federally recognized American Indian tribe or band.

19 **SECTION 1743.** 49.36 (2) of the statutes is amended to read:

20 49.36 (2) The department may contract with any county, tribal governing body,
21 or Wisconsin works agency to administer a work experience and job training program
22 for parents who are not custodial parents and who fail to pay child support or to meet
23 their children’s needs for support as a result of unemployment or underemployment.
24 The program may provide the kinds of work experience and job training services
25 available from the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The

SENATE BILL 55**SECTION 1743**

1 program may also include job search and job orientation activities. The department
2 shall fund the program from the appropriation under s. 20.445 (3) (dz).

3 **SECTION 1744.** 49.36 (4) of the statutes is amended to read:

4 49.36 (4) When a person completes 16 weeks of participation in a program
5 under this section, the county, tribal governing body, or Wisconsin works agency
6 operating the program shall inform the clerk of courts, by affidavit, of that
7 completion.

8 **SECTION 1745.** 49.36 (5) of the statutes is amended to read:

9 49.36 (5) A person participating in work experience as part of the program
10 under this section is considered an employee of the county, tribal governing body, or
11 Wisconsin works agency administering the program under this section for purposes
12 of worker's compensation benefits only.

13 **SECTION 1746.** 49.36 (6) of the statutes is amended to read:

14 49.36 (6) A county, tribal governing body, or Wisconsin works agency
15 administering the program under this section shall reimburse a person for
16 reasonable transportation costs incurred because of participation in a program
17 under this section up to a maximum of \$25 per month.

18 **SECTION 1747.** 49.36 (7) of the statutes is amended to read:

19 49.36 (7) The department shall pay a county, tribal governing body, or
20 Wisconsin works agency not more than \$400 for each person who participates in the
21 program under this section in the region in which the county, tribal governing body,
22 or Wisconsin works agency administers the program under this section. The county,
23 tribal governing body, or Wisconsin works agency shall pay any additional costs of
24 the program.

25 **SECTION 1748.** 49.43 (8) of the statutes is amended to read:

SENATE BILL 55**SECTION 1748**

1 49.43 (8) "Medical assistance" means any services or items under ss. 49.45 to
2 49.472 ~~49.473~~, except s. 49.472 (6), and under ss. 49.49 to 49.497, or any payment or
3 reimbursement made for such services or items.

4 **SECTION 1749.** 49.45 (2) (a) 3. of the statutes is amended to read:

5 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
6 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
7 policies adopted by the department and ~~may shall~~, under a contract under s. 49.33
8 (2) (a), designate this function to the county department under s. 46.215, 46.22, or
9 46.23 or, to the extent permitted by federal law or a waiver from the federal secretary
10 of health and human services, to a Wisconsin works agency.

11 **SECTION 1750.** 49.45 (2) (a) 3m. of the statutes is created to read:

12 49.45 (2) (a) 3m. If the department does not contract with the department of
13 workforce development under par. (b) 6., establish a program to investigate
14 suspected fraudulent activity on the part of recipients of medical assistance and
15 establish a program to reduce errors in the payments of medical assistance.

16 **SECTION 1751.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45 (2) (a) 10.

17 a. and amended to read:

18 49.45 (2) (a) 10. a. After reasonable notice and opportunity for hearing the
19 provider to present information and argument to department staff, recover money
20 improperly or erroneously paid, or overpayments to a provider either by offsetting
21 or adjusting amounts owed the provider under the program, crediting against a
22 provider's future claims for reimbursement for other services or items furnished by
23 the provider under the program, or ~~by~~ requiring the provider to make direct payment
24 to the department or its fiscal intermediary.

25 **SECTION 1752.** 49.45 (2) (a) 10. b. of the statutes is created to read:

SENATE BILL 55**SECTION 1752**

1 49.45 (2) (a) 10. b. Establish a deadline for payment of a recovery imposed
2 under this subdivision and, if a provider fails to pay all of the amount to be recovered
3 by the deadline, require payment, by the provider, of interest on any delinquent
4 amount at the rate of 1% per month or fraction of a month from the date of the
5 overpayment.

6 **SECTION 1753.** 49.45 (2) (a) 11. of the statutes is amended to read:

7 49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of
8 ~~services under Title XIX of the social security act~~ medical assistance and, except as
9 provided in par. (b) 6m. and s. 49.48, and subject to par. (b) 7. and 8., certify such
10 eligible providers who meet the criteria.

11 **SECTION 1754.** 49.45 (2) (a) 12. of the statutes is amended to read:

12 49.45 (2) (a) 12. Decertify ~~or suspend under this subdivision~~ a provider from
13 or restrict a provider's participation in the medical assistance program, if after
14 giving reasonable notice and opportunity for hearing, the department finds that the
15 provider has violated a federal statute or regulation or a state law statute or
16 administrative rule and ~~such violations are by law the violation is by statute,~~
17 regulation, or rule grounds for decertification or suspension restriction. The
18 department shall suspend the provider pending the hearing under this subdivision
19 if the department includes in its decertification notice findings that the provider's
20 continued participation in the medical assistance program pending hearing is likely
21 to lead to the irretrievable loss of public funds and is unnecessary to provide
22 adequate access to services to medical assistance recipients. As soon as practicable
23 after the hearing, the department shall issue a written decision. No payment may
24 be made under the medical assistance program with respect to any service or item

SENATE BILL 55**SECTION 1754**

1 furnished by the provider subsequent to decertification or during the period of
2 suspension.

3 **SECTION 1755.** 49.45 (2) (b) 6. of the statutes is created to read:

4 49.45 (2) (b) 6. Contract with the department of workforce development to
5 investigate suspected fraudulent activity on the part of medical assistance recipients
6 and to reduce errors in the payments of medical assistance under s. 49.197.

7 **SECTION 1756.** 49.45 (2) (b) 6m. of the statutes is created to read:

8 49.45 (2) (b) 6m. Limit the number of providers of particular services that may
9 be certified under par. (a) 11. or the amount of resources, including employees and
10 equipment, that a certified provider may use to provide particular services to medical
11 assistance recipients, if the department finds all of the following:

12 a. That existing certified providers and resources provide services that are
13 adequate in quality and amount to meet the need of medical assistance recipients for
14 the particular services.

15 b. That the potential for medical assistance fraud or abuse exists if additional
16 providers are certified or additional resources are used by certified providers.

17 **SECTION 1757.** 49.45 (2) (b) 7. of the statutes is created to read:

18 49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all
19 providers of a specific service that is among those enumerated under s. 49.46 (2) or
20 49.47 (6) (a), as specified in this subdivision, to file with the department a surety bond
21 issued by a surety company licensed to do business in this state. Providers subject
22 to this subdivision provide those services specified under s. 49.46 (2) or 49.47 (6) (a)
23 for which providers have demonstrated significant potential to violate s. 49.49 (1) (a),
24 (2) (a) or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a), to require recovery under par. (a)
25 10., or to need additional sanctions under par. (a) 13. The surety bond shall be

SENATE BILL 55**SECTION 1757**

1 payable to the department in an amount that the department determines is
2 reasonable in view of amounts of former recoveries against providers of the specific
3 service and the department's costs to pursue those recoveries. The department shall
4 promulgate rules under this subdivision that specify all of the following:

5 a. Services under medical assistance for which providers have demonstrated
6 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),
7 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions
8 under par. (a) 13.

9 b. The amount or amounts of the surety bonds.

10 c. Terms of the surety bond, including amounts, if any, without interest to be
11 refunded to the provider upon withdrawal or decertification from the medical
12 assistance program.

13 **SECTION 1758.** 49.45 (2) (b) 8. of the statutes is created to read:

14 49.45 (2) (b) 8. Require a person who takes over the operation, as defined in sub.
15 (21) (ag), of a provider, to first obtain certification under par. (a) 11. for the operation
16 of the provider, regardless of whether the person is currently certified. The
17 department may withhold the certification required under this subdivision until any
18 outstanding repayment under sub. (21) is made.

19 **SECTION 1759.** 49.45 (2) (b) 9. of the statutes is created to read:

20 49.45 (2) (b) 9. After providing reasonable notice and opportunity for a hearing,
21 charge a fee to a provider that repeatedly has been subject to recoveries under par.
22 (a) 10. a. because of the provider's failure to follow identical or similar billing
23 procedures or to follow other identical or similar program requirements. The fee
24 shall be used to defray in part the costs of audits and investigations by the
25 department under sub. (3) (g) and may not exceed \$1,000 or 200% of the amount of

SENATE BILL 55**SECTION 1759**

1 any such repeated recovery made, whichever is greater. The provider shall pay the
2 fee to the department within 10 days after receipt of notice of the fee or the final
3 decision after administrative hearing, whichever is later. The department may
4 recover any part of a fee not timely paid by offsetting the fee against any medical
5 assistance payment owed to the provider and may refer any such unpaid fees not
6 collected in this manner to the attorney general, who may proceed with collection
7 under this subdivision. Failure to timely pay in any manner a fee charged under this
8 subdivision, other than a fee that is offset against any medical assistance payment
9 owed to the provider, is grounds for decertification under subd. 12. A provider's
10 payment of a fee does not relieve the provider of any other legal liability incurred in
11 connection with the recovery for which the fee is charged, but is not evidence of
12 violation of a statute or rule. The department shall credit all fees received under this
13 subdivision to the appropriation account under s. 20.435 (4) (iL).

14 **SECTION 1760.** 49.45 (3) (ag) of the statutes is amended to read:

15 49.45 (3) (ag) Reimbursement shall be made to each entity contracted with
16 under s. 46.281 (1) (d) for functional ~~screens~~ screenings performed under s.46.281 (1)
17 (d).

18 **SECTION 1761.** 49.45 (3) (g) of the statutes is amended to read:

19 49.45 (3) (g) The secretary may ~~appoint~~ authorize personnel to audit or
20 investigate and report to the department on any matter involving violations or
21 complaints alleging violations of laws statutes, regulations, or rules applicable to
22 ~~Title XIX of the federal social security act~~ or the medical assistance program and to
23 perform such investigations or audits as are required to verify the actual provision
24 of services or items available under the medical assistance program and the
25 appropriateness and accuracy of claims for reimbursement submitted by providers

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1 participating in the program. Department employees ~~appointed~~ authorized by the
2 secretary under this paragraph shall be issued, and shall possess at all times during
3 ~~which~~ while they are performing their investigatory or audit functions under this
4 section, identification, signed by the secretary ~~which,~~ that specifically designates the
5 bearer as possessing the authorization to conduct medical assistance investigations
6 or audits. Pursuant to Under the request of a designated person and upon
7 presentation of ~~that~~ the person's authorization, providers and medical assistance
8 recipients shall accord ~~such~~ the person access to any provider personnel, records,
9 books, ~~recipient medical records,~~ or documents or other information needed. Under
10 the written request of a designated person and upon presentation of the person's
11 authorization, providers and recipients shall accord the person access to any needed
12 patient health care records of a recipient. Authorized employees shall have authority
13 ~~to~~ may hold hearings, administer oaths, take testimony, and perform all other duties
14 necessary to bring ~~such~~ the matter before the department for final adjudication and
15 determination.

16 **SECTION 1762.** 49.45 (3) (h) 1. of the statutes is repealed.

17 **SECTION 1763.** 49.45 (3) (h) 2. of the statutes is repealed.

18 **SECTION 1764.** 49.45 (3) (h) 3. of the statutes is renumbered 49.45 (3) (h) and
19 amended to read:

20 49.45 (3) (h) The failure or refusal of a person to purge himself or herself of
21 contempt found under s. 885.12 and perform the act as required by law shall
22 constitute provider to accord department auditors or investigators access as required
23 under par. (g) to any provider personnel, records, books, patient health care records
24 of medical assistance recipients, or documents or other information requested
25 constitutes grounds for decertification or suspension of ~~that person~~ the provider from

SENATE BILL 55**SECTION 1764**

1 participation in the medical assistance program ~~and no.~~ No payment may be made
2 for services rendered by ~~that person subsequent to the provider following~~
3 decertification ~~or~~, during the period of suspension, or during any period of provider
4 failure or refusal to accord access as required under par. (g).

5 **SECTION 1765.** 49.45 (5m) (am) of the statutes is amended to read:

6 49.45 **(5m)** (am) Notwithstanding sub. (3) (e), from the appropriations under
7 s. 20.435 (4) (b) ~~and~~, (o), and (w), the department shall distribute not more than
8 \$2,256,000 in each fiscal year, to provide supplemental funds to rural hospitals that,
9 as determined by the department, have high utilization of inpatient services by
10 patients whose care is provided from governmental sources, and to provide
11 supplemental funds to critical access hospitals, except that the department may not
12 distribute funds to a rural hospital or to a critical access hospital to the extent that
13 the distribution would exceed any limitation under 42 USC 1396b (i) (3).

14 **SECTION 1766.** 49.45 (5r) of the statutes is repealed.

15 **SECTION 1767.** 49.45 (6b) of the statutes is amended to read:

16 49.45 **(6b)** CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
17 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
18 services provided by the centers for the developmentally disabled. Reimbursement
19 to the centers for the developmentally disabled shall be reduced following each
20 placement made under s. 46.275 that involves a relocation from a center for the
21 developmentally disabled, by \$184 \$200 per day, beginning in fiscal year 1999-2000
22 2001-02, and by \$190 \$225 per day, beginning in fiscal year 2000-01 2002-03.

23 **SECTION 1768.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

24 49.45 **(6m)** (ag) (intro.) Payment for care provided in a facility under this
25 subsection made under s. 20.435 (4) (b), (pa) ~~or~~, (o), or (w) shall, except as provided

SENATE BILL 55**SECTION 1768**

1 in pars. (bg), (bm), and (br), be determined according to a prospective payment
2 system updated annually by the department. The payment system shall implement
3 standards that are necessary and proper for providing patient care and that meet
4 quality and safety standards established under subch. II of ch. 50 and ch. 150. The
5 payment system shall reflect all of the following:

6 **SECTION 1769.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

7 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
8 allowable direct care costs, for facilities that do not primarily serve the
9 developmentally disabled, that take into account direct care costs for a sample of all
10 of those facilities in this state and separate standards for payment of allowable direct
11 care costs, for facilities that primarily serve the developmentally disabled, that take
12 into account direct care costs for a sample of all of those facilities in this state. ~~The~~
13 ~~standards shall be adjusted by the department for regional labor cost variations.~~

14 **SECTION 1770.** 49.45 (6m) (L) of the statutes is amended to read:

15 49.45 (6m) (L) For purposes of ss. 46.27 (11) (c) 7. and 46.277 (5) (e), the
16 department ~~shall, by July 1 annually, may~~ determine annually the statewide medical
17 assistance daily cost of nursing home care and submit the determination to the
18 department of administration for review. ~~The department of administration shall~~
19 ~~approve the determination before payment may be made under s. 46.27 (11) (c) 7. or~~
20 ~~46.277 (5) (e).~~

21 **SECTION 1771.** 49.45 (6t) (intro.) of the statutes is amended to read:

22 49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING
23 DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 (4) (o), for
24 reduction of operating deficits, as defined under criteria developed by the
25 department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42

SENATE BILL 55**SECTION 1771**

1 or by a local health department, as defined in s. 250.01 (4), for services provided
2 under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k. and, L., and Lm., 9. and, 15., and 18.,
3 for case management services under s. 49.46 (2) (b) 12. and for mental health day
4 treatment services for minors provided under the authorization under 42 USC 1396d
5 (r) (5), the department shall allocate ~~up to \$4,500,000~~ moneys in each fiscal year to
6 these county departments, or local health departments as determined by the
7 department, and shall perform all of the following:

8 **SECTION 1772.** 49.45 (6t) (intro.) of the statutes, as affected by 2001 Wisconsin
9 Act (this act), is repealed and recreated to read:

10 **49.45 (6t)** COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING
11 DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 (4) (o), for
12 reduction of operating deficits, as defined under criteria developed by the
13 department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42
14 or by a local health department, as defined in s. 250.01 (4), for services provided
15 under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., L., and Lm., 9., and 15., for case
16 management services under s. 49.46 (2) (b) 12. and for mental health day treatment
17 services for minors provided under the authorization under 42 USC 1396d (r) (5), the
18 department shall allocate moneys in each fiscal year to these county departments,
19 or local health departments as determined by the department, and shall perform all
20 of the following:

21 **SECTION 1773.** 49.45 (6t) (a) of the statutes is amended to read:

22 **49.45 (6t)** (a) For the reduction of operating deficits incurred by the county
23 departments or local health departments, estimate the availability of federal
24 medicaid funds that may be matched to county, city, town, or village funds that are
25 expended for costs in excess of reimbursement for services provided under s. 49.46

SENATE BILL 55**SECTION 1773**

1 (2) (a) 4. d. and (b) 6. f., fm., j., k. ~~and~~, L., and Lm., 9. ~~and~~, 15., and 18., for case
2 management services under s. 49.46 (2) (b) 12. and for mental health day treatment
3 services for ~~minor~~ minors provided under the authorization under 42 USC 1396d (r)
4 (5).

5 **SECTION 1774.** 49.45 (6t) (a) of the statutes, as affected by 2001 Wisconsin Act
6 (this act), is repealed and recreated to read:

7 49.45 (6t) (a) For the reduction of operating deficits incurred by the county
8 departments or local health departments, estimate the availability of federal
9 medicaid funds that may be matched to county, city, town, or village funds that are
10 expended for costs in excess of reimbursement for services provided under s. 49.46
11 (2) (a) 4. d. and (b) 6. f., fm., j., k., L., and Lm., 9., and 15., for case management
12 services under s. 49.46 (2) (b) 12. and for mental health day treatment services for
13 minors provided under the authorization under 42 USC 1396d (r) (5).

14 **SECTION 1775.** 49.45 (6u) of the statutes, as affected by 2001 Wisconsin Act
15 (this act), is renumbered 49.45 (6u) (am), and 49.45 (6u) (am) (intro.) and 2. (intro.)
16 and b., 3., 4., 5. and 6., as renumbered, are amended to read:

17 49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), in state fiscal years in
18 which less than \$115,200,000 in federal financial participation relating to facilities
19 is received under 42 CFR 433.51, from the ~~appropriation~~ appropriations under s.
20 20.435 (4) (o) and (w), for reduction of operating deficits, as defined under ~~criteria~~
21 developed the methodology used by the department in December, 2000, incurred by
22 a facility, ~~as defined under sub. (6m) (a) 3.,~~ that is established under s. 49.70 (1) or
23 that is owned and operated by a city, village, or town, the department may not
24 distribute to these facilities more than ~~\$40,100,000~~ \$37,100,000 in each fiscal year,
25 as determined by the department. The total amount that a county certifies under

SENATE BILL 55**SECTION 1775**

1 this subsection may not exceed 100% of otherwise-unreimbursed care. In
2 distributing funds under this subsection, the department shall perform all of the
3 following:

4 2. (intro.) Based on the amount estimated available under ~~par. (a)~~ subd. 1.,
5 develop a method to distribute this allocation to the individual facilities that have
6 incurred operating deficits that shall include:

7 b. Agreement by the county in which is located the facility established under
8 s. 49.70 (1) and agreement by the city, village, or town that owns and operates the
9 facility that the applicable county, city, village, or town shall provide funds to match
10 federal medical assistance matching funds under this subsection paragraph.

11 3. Distribute the allocation under the distribution method that is developed,
12 unless a county has failed to comply with ~~par. (b)~~ subd. 2. bm.

13 4. If the federal department of health and human services approves for state
14 expenditure in a fiscal year amounts under s. 20.435 (4) (o) and (w) that result in a
15 lesser allocation amount than that allocated under this subsection paragraph,
16 allocate not more than the lesser amount so approved by the federal department of
17 health and human services.

18 5. If the federal department of health and human services approves for state
19 expenditure in a fiscal year amounts under s. 20.435 (4) (o) and (w) that result in a
20 lesser allocation amount than that allocated under this subsection paragraph,
21 submit a revision of the method developed under ~~par. (b)~~ subd. 2. for approval by the
22 joint committee on finance in that state fiscal year.

23 6. If the federal department of health and human services disallows use of the
24 allocation of matching federal medical assistance funds distributed under ~~par. (e)~~
25 subd. 3., apply the requirements under sub. (6m) (br).

SENATE BILL 55**SECTION 1776**

1 **SECTION 1776.** 49.45 (6u) (intro.) of the statutes is amended to read:

2 49.45 **(6u)** SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.)
3 Notwithstanding sub. (6m), from the appropriation under s. 20.435 (4) (o), for
4 reduction of operating deficits, as defined under criteria developed by the
5 department, incurred by a facility, as defined under sub. (6m) (a) 3., that is
6 established under s. 49.70 (1) or that is owned and operated by a city, village or town,
7 the department may not distribute to these facilities more than \$38,600,000
8 \$40,100,000 in each fiscal year, as determined by the department, ~~except that the~~
9 ~~department shall also distribute for this same purpose from the appropriation under~~
10 ~~s. 20.435 (4) (o) any additional federal medical assistance moneys that were not~~
11 ~~anticipated before enactment of the biennial budget act or other legislation affecting~~
12 ~~s. 20.435 (4) (o).~~ The total amount that a county certifies under this subsection may
13 not exceed 100% of otherwise-unreimbursed care. In distributing funds under this
14 subsection, the department shall perform all of the following:

15 **SECTION 1777.** 49.45 (6u) (ag) of the statutes is created to read:

16 49.45 **(6u)** (ag) In this subsection, "facility" has the meaning given in sub. (6m)
17 (a) 3.

18 **SECTION 1778.** 49.45 (6u) (bm) of the statutes is created to read:

19 49.45 **(6u)** (bm) In state fiscal years in which \$115,200,000 or more in federal
20 financial participation relating to facilities is received under 42 CFR 433.51, from the
21 appropriations under s. 20.435 (4) (o) and (w), for reduction of operating deficits, as
22 defined under criteria developed by the department, incurred by a facility that is
23 established under s. 49.70 (1) or that is owned and operated by a city, village, or town,
24 the department may not distribute to these facilities more than \$77,100,000 in each

SENATE BILL 55**SECTION 1778**

1 fiscal year, as determined by the department under a methodology as specified in the
2 state plan for services under 42 USC 1396.

3 **SECTION 1779.** 49.45 (6x) (a) of the statutes is amended to read:

4 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations under s.
5 20.435 (4) (b) ~~and, (o), and (w)~~, the department shall distribute not more than
6 \$4,748,000 in each fiscal year, to provide funds to an essential access city hospital,
7 except that the department may not allocate funds to an essential access city hospital
8 to the extent that the allocation would exceed any limitation under 42 USC 1396b
9 (i) (3).

10 **SECTION 1780.** 49.45 (6y) (a) of the statutes is amended to read:

11 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations under s.
12 20.435 (4) (b) ~~and, (o), and (w)~~, the department shall distribute funding in each fiscal
13 year to provide supplemental payment to hospitals that enter into a contract under
14 s. 49.02 (2) to provide health care services funded by a relief block grant, as
15 determined by the department, for hospital services that are not in excess of the
16 hospitals' customary charges for the services, as limited under 42 USC 1396b (i) (3).
17 If no relief block grant is awarded under this chapter or if the allocation of funds to
18 such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the
19 department may distribute funds to hospitals that have not entered into a contract
20 under s. 49.02 (2).

21 **SECTION 1781.** 49.45 (6y) (am) of the statutes is amended to read:

22 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriations under s.
23 20.435 (4) (b), (h) ~~and, (o), and (w)~~, the department shall distribute funding in each
24 fiscal year to provide supplemental payments to hospitals that enter into contracts
25 under s. 49.02 (2) with a county having a population of 500,000 or more to provide

SENATE BILL 55**SECTION 1781**

1 health care services funded by a relief block grant, as determined by the department,
2 for hospital services that are not in excess of the hospitals' customary charges for the
3 services, as limited under 42 USC 1396b (i) (3).

4 **SECTION 1782.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

5 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations
6 under s. 20.435 (4) (b) ~~and, (o), and (w)~~, the department shall distribute funding in
7 each fiscal year to supplement payment for services to hospitals that enter into a
8 contract under s. 49.02 (2) to provide health care services funded by a relief block
9 grant under this chapter, if the department determines that the hospitals serve a
10 disproportionate number of low-income patients with special needs. If no medical
11 relief block grant under this chapter is awarded or if the allocation of funds to such
12 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department
13 may distribute funds to hospitals that have not entered into a contract under s. 49.02
14 (2). The department may not distribute funds under this subsection to the extent
15 that the distribution would do any of the following:

16 **SECTION 1783.** 49.45 (8) (b) of the statutes is amended to read:

17 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b) ~~and, (o), and (w)~~ for home
18 health services provided by a certified home health agency or independent nurse
19 shall be made at the home health agency's or nurse's usual and customary fee per
20 patient care visit, subject to a maximum allowable fee per patient care visit that is
21 established under par. (c).

22 **SECTION 1784.** 49.45 (21) (title) of the statutes is amended to read:

23 49.45 (21) (title) ~~TRANSFER OF BUSINESS, LIABILITY FOR~~ TAKING OVER PROVIDER'S
24 OPERATION; REPAYMENTS REQUIRED.

SENATE BILL 55**SECTION 1785**

1 **SECTION 1785.** 49.45 (21) (a) of the statutes is renumbered 49.45 (21) (ar) and
2 amended to read:

3 49.45 (21) (ar) ~~If any provider~~ Before a person may take over the operation of
4 a provider that is liable for repayment of improper or erroneous payments or
5 overpayments under ss. 49.43 to 49.497 ~~sells or otherwise transfers ownership of his~~
6 ~~or her business or all or substantially all of the assets of the business, the transferor~~
7 ~~and transferee are each liable for the repayment. Prior to final transfer, the~~
8 ~~transferee is responsible for contacting the department and ascertaining if the~~
9 ~~transferor,~~ full repayment shall be made. Upon request, the department shall notify
10 the provider or the person that intends to take over the operation of the provider as
11 to whether the provider is liable under this paragraph.

12 **SECTION 1786.** 49.45 (21) (ag) of the statutes is created to read:

13 49.45 (21) (ag) In this subsection, “take over the operation” means obtain, with
14 respect to an aspect of a provider’s business for which the provider has filed claims
15 for medical assistance reimbursement, any of the following:

16 1. Ownership of the provider’s business or all or substantially all of the assets
17 of the business.

18 2. Majority control over decisions.

19 3. The right to any profits or income.

20 4. The right to contact and offer services to patients, clients, or residents served
21 by the provider.

22 5. An agreement that the provider will not compete with the person at all or
23 with respect to a patient, client, resident, service, geographical area, or other part
24 of the provider’s business.

SENATE BILL 55**SECTION 1786**

1 6. The right to perform services that are substantially similar to services
2 performed by the provider at the same location as those performed by the provider.

3 7. The right to use any distinctive name or symbol by which the provider is
4 known in connection with services to be provided by the person.

5 **SECTION 1787.** 49.45 (21) (b) of the statutes is amended to read:

6 49.45 (21) (b) ~~If a transfer occurs~~ If, notwithstanding the prohibition under par.
7 (ar), a person takes over the operation of a provider and the applicable amount under
8 par. (a) (ar) has not been repaid, the department may, in addition to withholding
9 certification as authorized under sub. (2) (b) 8., proceed against either the transferor
10 or the transferee the provider or the person. Within 30 days after receiving the
11 certified provider receives notice from the department, the ~~transferor or the~~
12 ~~transferee shall pay the amount~~ shall be repaid in full. Upon failure to comply If the
13 amount is not repaid in full, the department may bring an action to compel payment.
14 ~~If a transferor fails to pay within 90 days after receiving notice from the department,~~
15 ~~the department, may proceed under sub. (2) (a) 12., or may do both.~~

16 **SECTION 1788.** 49.45 (24m) (intro.) of the statutes is amended to read:

17 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
18 From the appropriations under s. 20.435 (4) (b) and, (o), and (w), in order to test the
19 feasibility of instituting a system of reimbursement for providers of home health care
20 and personal care services for medical assistance recipients that is based on
21 competitive bidding, the department shall:

22 **SECTION 1789.** 49.45 (30m) of the statutes is amended to read:

23 49.45 (30m) CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED. A county shall
24 provide the portion of the services under s. 51.06 (1) (1m) (d) to individuals who are
25 eligible for medical assistance that is not provided by the federal government.

SENATE BILL 55**SECTION 1790**

1 **SECTION 1790.** 49.45 (40) of the statutes is amended to read:

2 49.45 (40) PERIODIC RECORD MATCHES. ~~The~~ If the department contracts with the
3 department of workforce development under sub. (2) (b) 6., the department shall
4 cooperate with the department of workforce development in matching records of
5 medical assistance recipients under s. 49.32 (7).

6 **SECTION 1791.** 49.45 (46) (b) of the statutes is amended to read:

7 49.45 (46) (b) This subsection does not apply after ~~July 1~~ June 30, 2003.

8 **SECTION 1792.** 49.45 (48) of the statutes is created to read:

9 49.45 (48) PAYMENT OF MEDICARE PART B OUTPATIENT HOSPITAL SERVICES
10 COINSURANCES. The department shall include in the state plan for medical assistance
11 a methodology for payment of the medicare part B outpatient hospital services
12 coinsurance amounts that are authorized under ss. 49.46 (2) (c) 2., 4., and 5m., 49.468
13 (1) (b), and 49.47 (6) (a) 6. b., d., and f.

14 **SECTION 1793.** 49.45 (49) of the statutes is created to read:

15 49.45 (49) PROMOTION OF PRESCRIPTION DRUG ASSISTANCE PLANS. (a) In this
16 subsection, “prescription drug” means a prescription drug, as defined in s. 450.01
17 (20), that is included in the drugs specified under s. 49.46 (2) (b) 6. h.

18 (b) The department shall, together with the department of administration,
19 promote, in health information and on the state’s Internet site, private prescription
20 drug assistance plans, including offers by prescription drug manufacturers of
21 specific no-cost or reduced-cost prescription drugs and private plans that offer
22 prescription drug discounts to members.

23 **SECTION 1794.** 49.45 (50) of the statutes is created to read:

24 49.45 (50) FEDERAL DISCOUNT DRUG PROGRAM. (a) In this subsection, “federally
25 qualified health center” has the meaning specified in 42 USC 1396d (L) (2) (B).

SENATE BILL 55**SECTION 1794**

1 (b) The department shall inform those entities, including tribes and federally
2 qualified health centers, that are eligible for the federal prescription drug discount
3 program under 42 USC 256b about their eligibility and about the benefits of the
4 program and shall provide technical assistance to the entities in applying for and
5 implementing benefits under the program.

6 **SECTION 1795.** 49.45 (51) of the statutes is created to read:

7 49.45 (51) FEDERALLY QUALIFIED HEALTH CENTERS. (a) In this subsection,
8 “federally qualified health center” has the meaning specified in 42 USC 1396 (L) (2)
9 (B).

10 (b) The department shall analyze health care data in the state so as to identify
11 areas that could be eligible for and benefit from establishment of federally qualified
12 health centers and shall provide entities in the identified areas with information
13 about and technical assistance in developing federally qualified health centers.

14 **SECTION 1796.** 49.45 (52) of the statutes is created to read:

15 49.45 (52) BULK PURCHASE AND MAIL ORDER DELIVERY OF PRESCRIPTION DRUGS. (a)
16 In this subsection, “prescription drug” means a prescription drug, as defined in s.
17 450.01 (20), that is included in the drugs specified under s. 49.46 (2) (b) 6. h.

18 (b) The department shall work with the department of administration to
19 contract with a private entity for the bulk purchase and mail order delivery of
20 prescription drugs and medical supplies for persons who meet eligibility
21 requirements under s. 49.46 (1), 49.468, 49.47 (4), or 49.472, or, if a waiver is granted,
22 under s. 49.477, and who have chronic conditions, including diabetes, asthma, and
23 hypertension. Participation by an eligible person under this subsection is voluntary.
24 If the department contracts under this subsection, the private entity with which the
25 department contracts shall administer and promote the bulk purchase and mail

SENATE BILL 55**SECTION 1796**

1 order delivery of prescription drugs and shall, each 3 months, telephone participants
2 to ascertain their progress in administering self-care.

3 (c) Annually, the department shall evaluate hospital and emergency room costs
4 of participants under par. (b) to determine the extent of savings, if any, achieved by
5 their participation in the bulk purchase and mail order delivery of prescription
6 drugs.

7 **SECTION 1797.** 49.46 (1) (a) 1. of the statutes is amended to read:

8 49.46 (1) (a) 1. ~~Any person included in the Notwithstanding s. 49.19 (20), any~~
9 individual who, without regard to the individual's resources, would qualify for a
10 grant of aid to families with dependent children and any person who does under s.
11 49.19.

12 1g. Notwithstanding s. 49.19 (20), any individual who, without regard to the
13 individual's resources, would qualify for a grant of aid to families with dependent
14 children but who would not receive such the aid solely because of the application of
15 s. 49.19 (11) (a) 7.

16 **SECTION 1798.** 49.46 (1) (a) 1m. of the statutes is amended to read:

17 49.46 (1) (a) 1m. Any pregnant woman ~~who meets the resource and whose~~
18 income limits does not exceed the standard of need under s. 49.19 (4) ~~(bm) and (es)~~
19 (11) and whose pregnancy is medically verified. Eligibility continues to the last day
20 of the month in which the 60th day after the last day of the pregnancy falls.

21 **SECTION 1799.** 49.46 (1) (a) 5. of the statutes is amended to read:

22 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care,
23 long-term kinship care ~~or, treatment foster care, or subsidized guardianship~~
24 placement under ch. 48 or 938, as determined by the department.

25 **SECTION 1800.** 49.46 (1) (a) 6. of the statutes is amended to read:

SENATE BILL 55**SECTION 1800**

1 49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard
2 to the individual's resources, would be considered, under federal law, to be receiving
3 aid to families with dependent children for the purpose of determining eligibility for
4 medical assistance.

5 **SECTION 1801.** 49.46 (1) (a) 9. of the statutes is amended to read:

6 49.46 (1) (a) 9. Any pregnant woman not described under subd. 1., 1g., or 1m.
7 whose family income does not exceed 133% of the poverty line for a family the size
8 of the woman's family.

9 **SECTION 1802.** 49.46 (1) (a) 10. of the statutes is amended to read:

10 49.46 (1) (a) 10. Any child not described under subd. 1. or 1g. who is under 6
11 years of age and whose family income does not exceed 133% of the poverty line for
12 a family the size of the child's family.

13 **SECTION 1803.** 49.46 (1) (a) 11. of the statutes is amended to read:

14 49.46 (1) (a) 11. If a waiver under s. 49.665 is granted and in effect, any child
15 not described under subd. 1. or 1g. who has attained the age of 6 but has not attained
16 the age of 19 and whose family income does not exceed 100% of the poverty line for
17 a family the size of the child's family. If a waiver under s. 49.665 is not granted or
18 in effect, any child not described in subd. 1. or 1g. who was born after September
19 30,1983, who has attained the age of 6 but has not attained the age of 19 and whose
20 family income does not exceed 100% of the poverty line for a family the size of the
21 child's family.

22 **SECTION 1804.** 49.46 (1) (a) 12. of the statutes is amended to read:

23 49.46 (1) (a) 12. Any child not described under subd. 1. or 1g. who is under 19
24 years of age and ~~who meets the resource and~~ whose income limits does not exceed the
25 standard of need under s. 49.19 (4) (11).

SENATE BILL 55**SECTION 1805**

1 **SECTION 1805.** 49.46 (1) (e) of the statutes is amended to read:

2 49.46 (1) (e) If an application under s. 49.47 (3) shows that the person has
3 individual meets the income and resources within the limitations of limits under s.
4 49.19, or meets the income and resource requirements under federal Title XVI or s.
5 49.77, or that the person individual is an essential person, an accommodated person,
6 or a patient in a public medical institution, the person individual shall be granted
7 the benefits enumerated under sub. (2) whether or not the person individual requests
8 or receives a grant of any of such aids.

9 **SECTION 1806.** 49.46 (2) (b) 18. of the statutes is amended to read:

10 49.46 (2) (b) 18. Alcohol or other drug abuse residential treatment services of
11 no more than 45 days per treatment episode, under s. 49.45 (46). This subdivision
12 does not apply after ~~July 1~~ June 30, 2003.

13 **SECTION 1807.** 49.46 (2) (c) 2. of the statutes is amended to read:

14 49.46 (2) (c) 2. For an individual who is entitled to coverage under part A of
15 medicare, entitled to coverage under part B of medicare, meets the eligibility criteria
16 under sub. (1) and meets the limitation on income under subd. 6., medical assistance
17 shall include payment of the deductible and coinsurance portions of medicare
18 services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to
19 1395zz, including those medicare services that are not included in the approved state
20 plan for services under 42 USC 1396; the monthly premiums payable under 42 USC
21 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late
22 enrollment penalty, if applicable, for premiums under part A of medicare. Payment
23 of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w,
24 other than payment of coinsurance for outpatient hospital services, may not exceed

SENATE BILL 55**SECTION 1807**

1 the allowable charge for the service under medical assistance minus the medicare
2 payment.

3 **SECTION 1808.** 49.46 (2) (c) 4. of the statutes is amended to read:

4 49.46 (2) (c) 4. For an individual who is entitled to coverage under part A of
5 medicare, entitled to coverage under part B of medicare and meets the eligibility
6 criteria for medical assistance under sub. (1), but does not meet the limitation on
7 income under subd. 6., medical assistance shall include payment of the deductible
8 and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which
9 are not paid under 42 USC 1395 to 1395zz, including those medicare services that
10 are not included in the approved state plan for services under 42 USC 1396. Payment
11 of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w,
12 other than payment of coinsurance for outpatient hospital services, may not exceed
13 the allowable charge for the service under medical assistance minus the medicare
14 payment.

15 **SECTION 1809.** 49.46 (2) (c) 5m. of the statutes is amended to read:

16 49.46 (2) (c) 5m. For an individual who is only entitled to coverage under part
17 B of medicare and meets the eligibility criteria under sub. (1), but does not meet the
18 limitation on income under subd. 6., medical assistance shall include payment of the
19 deductible and coinsurance portions of medicare services under 42 USC 1395j to
20 1395w, including those medicare services that are not included in the approved state
21 plan for services under 42 USC 1396. Payment of coinsurance for a service under
22 part B of medicare, other than payment of coinsurance for outpatient hospital
23 services, may not exceed the allowable charge for the service under medical
24 assistance minus the medicare payment.

25 **SECTION 1810.** 49.468 (1) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 1810**

1 49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage
2 under part A of medicare, entitled to coverage under part B of medicare and who does
3 not meet the eligibility criteria for medical assistance under s. 49.46 (1), 49.465 or
4 49.47 (4) but meets the limitations on income and resources under par. (d), medical
5 assistance shall pay the deductible and coinsurance portions of medicare services
6 under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz,
7 including those medicare services that are not included in the approved state plan
8 for services under 42 USC 1396; the monthly premiums payable under 42 USC
9 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late
10 enrollment penalty, if applicable, for premiums under part A of medicare. Payment
11 of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w,
12 other than payment of coinsurance for outpatient hospital services, may not exceed
13 the allowable charge for the service under medical assistance minus the medicare
14 payment.

15 **SECTION 1811.** 49.47 (4) (a) 1. of the statutes is amended to read:

16 49.47 (4) (a) 1. Under ~~18~~ 21 years of age ~~or, if the person~~ and resides in an
17 intermediate care facility, skilled nursing facility, or inpatient psychiatric hospital,
18 ~~under 21 years of age.~~

19 **SECTION 1812.** 49.47 (4) (a) 2. of the statutes is renumbered 49.47 (4) (ag) 2.

20 **SECTION 1813.** 49.47 (4) (ag) (intro.) of the statutes is created to read:

21 49.47 (4) (ag) (intro.) Any individual whose income does not exceed the limits
22 under par. (c) and who complies with par. (cm) is eligible for medical assistance under
23 this section if the individual is one of the following:

24 **SECTION 1814.** 49.47 (4) (ag) 1. of the statutes is created to read:

25 49.47 (4) (ag) 1. Under the age of 18.

SENATE BILL 55**SECTION 1815**

1 **SECTION 1815.** 49.47 (4) (b) 2m. a. of the statutes is amended to read:

2 49.47 (4) (b) 2m. a. For persons who are eligible under par. (a) 1. ~~or 2~~, one
3 vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from
4 consideration as an asset only if the department determines that it is necessary for
5 the purpose of employment or to obtain medical care. The equity value of any
6 nonexempt vehicles owned by the applicant is an asset for the purposes of
7 determining eligibility for medical assistance under this section.

8 **SECTION 1816.** 49.47 (6) (a) 6. b. of the statutes is amended to read:

9 49.47 (6) (a) 6. b. An individual who is entitled to coverage under part A of
10 medicare, entitled to coverage under part B of medicare, meets the eligibility criteria
11 under sub. (4) (a) and meets the income limitation, the deductible and coinsurance
12 portions of medicare services under 42 USC 1395 to 1395zz which are not paid under
13 42 USC 1395 to 1395zz, including those medicare services that are not included in
14 the approved state plan for services under 42 USC 1396; the monthly premiums
15 payable under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC
16 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums under part
17 A of medicare. Payment of coinsurance for a service under part B of medicare under
18 42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital
19 services, may not exceed the allowable charge for the service under medical
20 assistance minus the medicare payment.

21 **SECTION 1817.** 49.47 (6) (a) 6. d. of the statutes is amended to read:

22 49.47 (6) (a) 6. d. An individual who is entitled to coverage under part A of
23 medicare, entitled to coverage under part B of medicare and meets the eligibility
24 criteria for medical assistance under sub. (4) (a) but does not meet the income
25 limitation, the deductible and coinsurance portions of medicare services under 42

SENATE BILL 55**SECTION 1817**

1 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those
2 medicare services that are not included in the approved state plan for services under
3 42 USC 1396. Payment of coinsurance for a service under part B of medicare under
4 42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital
5 services, may not exceed the allowable charge for the service under medical
6 assistance minus the medicare payment.

7 **SECTION 1818.** 49.47 (6) (a) 6. f. of the statutes is amended to read:

8 49.47 (6) (a) 6. f. For an individual who is only entitled to coverage under part
9 B of medicare and meets the eligibility criteria under sub. (4), but does not meet the
10 income limitation, medical assistance shall include payment of the deductible and
11 coinsurance portions of medicare services under 42 USC 1395j to 1395w, including
12 those medicare services that are not included in the approved state plan for services
13 under 42 USC 1396. Payment of coinsurance for a service under part B of medicare,
14 other than payment of coinsurance for outpatient hospital services, may not exceed
15 the allowable charge for the service under medical assistance minus the medicare
16 payment.

17 **SECTION 1819.** 49.47 (6) (a) 7. of the statutes is amended to read:

18 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) ~~(a) 2.~~ (ag) 2. or (am) 1., for
19 services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including
20 postpartum services and family planning services, as defined in s. 253.07 (1) (b), or
21 related to other conditions which may complicate pregnancy.

22 **SECTION 1820.** 49.472 (6) (a) of the statutes is amended to read:

23 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation under s.
24 20.435 (4) (b) or (w), the department shall, on the part of an individual who is eligible
25 for medical assistance under sub. (3), pay premiums for or purchase individual

SENATE BILL 55**SECTION 1820**

1 coverage offered by the individual's employer if the department determines that
2 paying the premiums for or purchasing the coverage will not be more costly than
3 providing medical assistance.

4 **SECTION 1821.** 49.472 (6) (b) of the statutes is amended to read:

5 49.472 (6) (b) If federal financial participation is available, from the
6 appropriation under s. 20.435 (4) (b) or (w), the department may pay medicare Part
7 A and Part B premiums for individuals who are eligible for medicare and for medical
8 assistance under sub. (3).

9 **SECTION 1822.** 49.473 of the statutes is created to read:

10 **49.473 Medical assistance; women diagnosed with breast or cervical**
11 **cancer. (1)** A woman is eligible for medical assistance as provided under sub. (2)
12 if she meets all of the following requirements:

13 (a) The woman is not eligible for medical assistance under ss. 49.46 (1) and
14 (1m), 49.465, 49.468, 49.47, and 49.472, and is not eligible for health care coverage
15 under s. 49.665.

16 (b) The woman is under 65 years of age.

17 (c) The woman is not eligible for health care coverage that qualifies as
18 creditable coverage in 42 USC 300gg (c).

19 (d) The woman has been screened for breast or cervical cancer under a breast
20 and cervical cancer early detection program that is authorized under a grant
21 received under 42 USC 300k.

22 (e) The woman requires treatment for breast or cervical cancer.

23 **(2)** The department shall audit and pay, from the appropriation accounts under
24 s. 20.435 (4) (b) and (o), allowable charges to a provider who is certified under s. 49.45

SENATE BILL 55**SECTION 1822**

1 (2) (a) 11. for medical assistance on behalf of a woman who meets the requirements
2 under sub. (1) for all benefits and services specified under s. 49.46 (2).

3 **SECTION 1823.** 49.477 of the statutes is created to read:

4 **49.477 Prescription drug assistance project. (1)** In this section:

5 (a) "Medicare" means coverage under part A or part B of Title XVIII of the
6 federal Social Security Act, 42 USC 1395 to 1395y.

7 (b) "Pharmacy discount rate" means the rate of medical assistance payment for
8 the identical drug specified under s. 49.46 (2) (b) 6. h.

9 (c) "Poverty line" means the nonfarm federal poverty line for the continental
10 United States, as defined by the federal department of labor under 42 USC 9902 (2).

11 (d) "Prescription drug" means a prescription drug, as defined in s. 450.01 (20),
12 that is included in the drugs specified under s. 49.46 (2) (b) 6. h. and that is
13 manufactured by a manufacturer that enters into a rebate agreement in force under
14 medical assistance.

15 (e) "Prescription order" has the meaning given in s. 450.01 (21).

16 **(2)** The department shall request from the secretary of the federal department
17 of health and human services a waiver, under 42 USC 1315 (a), of federal medicaid
18 laws necessary to permit the department to conduct a project to expand eligibility for
19 medical assistance to include individuals who meet the requirements specified under
20 sub. (3). Eligibility for medical assistance under this subsection entitles an
21 individual only to a benefit related to prescription drugs as specified under sub. (3).

22 **(3)** Notwithstanding ss. 49.46 (1) and 49.47 (4), a person who is a resident, as
23 defined in s. 27.01 (10) (a), of this state, who is at least 65 years of age, who is
24 otherwise ineligible for medical assistance, whose annual household income, as
25 determined by the department, does not exceed 185% of the poverty line for a family

SENATE BILL 55**SECTION 1823**

1 the size of the individual's eligible family, who has not had available outpatient
2 prescription drug coverage from any source other than under medical assistance for
3 12 months, and who pays the project enrollment fee specified in sub. (4) (a) is eligible
4 for medical assistance for purposes of purchasing a prescription drug by paying the
5 amounts specified in sub. (4). The person may apply to the department, on a form
6 provided by the department together with program enrollment fee payment, for a
7 determination of eligibility and issuance of a prescription drug card for purchase of
8 prescription drugs under this section.

9 (4) Project participants shall pay all of the following:

10 (a) For each 12-month benefit period, a project enrollment fee of \$25.

11 (b) For each 12-month benefit period, a deductible paid at the pharmacy
12 discount rate that equals one of the following, except that an individual with an
13 annual household income, as specified in sub. (3), that does not exceed 110% of the
14 federal poverty line pays no deductible:

15 1. For an individual with an annual household income, as specified in sub. (3),
16 that exceeds 110% but does not exceed 130% of the federal poverty line, \$300.

17 2. For an individual with an annual household income, as specified in sub. (3),
18 that exceeds 130% but does not exceed 155% of the federal poverty line, \$600.

19 3. For an individual with an annual household income, as specified in sub. (3),
20 that exceeds 155% but does not exceed 185% of the federal poverty line, a deductible
21 that equals, for each prescription drug, the pharmacy discount rate amount for the
22 drug.

23 (c) For an individual with an annual household income, as specified in sub. (3),
24 that is less than 110% of the federal poverty line and, after payment of the deductible
25 under par. (b), for the individuals specified in par. (b) 1. and 2., all of the following:

SENATE BILL 55**SECTION 1823**

1 1. A copayment of \$10 for each prescription drug that bears only a generic
2 name.

3 2. A copayment of \$20 for each prescription drug that does not bear only a
4 generic name.

5 **(5)** Under the project under sub. (2), as a condition of participation by a
6 pharmacy or pharmacist in the program under s. 49.45, 49.46, or 49.47, the
7 pharmacy or pharmacist may not charge an individual who is eligible for medical
8 assistance under sub. (2) and who presents a valid prescription order an amount for
9 a prescription drug under the order that exceeds the amounts specified in sub. (4) (b)
10 and (c).

11 **(6)** From the appropriations under s. 20.435 (4) (b) and (o), the department
12 shall pay the pharmacy or pharmacist for a prescription drug purchased as specified
13 under sub. (4) (c) the pharmacy discount rate amount for the drug, less copayments.

14 **(7)** (a) The department may not implement the project under this section
15 unless all of the following apply:

16 1. A waiver that is consistent with all of the provisions of this section is granted
17 and in effect. If the department receives the waiver, at the end of the period during
18 which the waiver remains in effect the department shall request any available
19 extension of the waiver.

20 2. Sufficient state and federal funds for the project are available.

21 (b) If a waiver, as specified under par. (a) 1., is granted, the department may
22 not implement the project under this section if a national prescription drug benefit
23 program for seniors is created that would provide similar benefits to a similar
24 population and unless the department first submits a plan for project
25 implementation that is approved by all of the following:

SENATE BILL 55**SECTION 1823**

- 1 1. The department of administration.
- 2 2. The joint committee on finance. If the cochairpersons of the committee do
- 3 not notify the secretary of health and family services within 14 working days after
- 4 the date of the department's submittal that the committee intends to schedule a
- 5 meeting to review the plan, the department may, if approved under subd. 1., and if
- 6 a substantially similar national prescription drug benefit program for seniors has
- 7 not been created, implement the project. If, within 14 working days after the date
- 8 of the department's submittal, the cochairpersons of the committee notify the
- 9 secretary of health and family services that the committee intends to schedule a
- 10 meeting to review the plan, the project may be implemented only if the committee
- 11 approves the plan.

12 **SECTION 1824.** 49.496 (2) (a) of the statutes is amended to read:

13 49.496 (2) (a) Except as provided in par. (b), the department may obtain a lien

14 on a recipient's home and any other real property in which the recipient has an

15 interest if the recipient resides in a nursing home, or if the recipient resides in a

16 hospital and is required to contribute to the cost of care, and the recipient cannot

17 reasonably be expected to be discharged from the nursing home or hospital and

18 return home. The lien is for the amount of medical assistance paid on behalf of the

19 recipient that is recoverable under sub. (3) (a).

20 **SECTION 1825.** 49.496 (2) (b) (intro.) of the statutes is amended to read:

21 49.496 (2) (b) (intro.) The department may not obtain a lien on a recipient's

22 home under this subsection if any of the following persons lawfully ~~reside~~ resides in

23 the home:

24 **SECTION 1826.** 49.496 (2) (c) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 1826**

1 49.496 (2) (c) (intro.) Before obtaining a lien ~~on a recipient's home~~ under this
2 subsection, the department shall do all of the following:

3 **SECTION 1827.** 49.496 (2) (c) 1. of the statutes is amended to read:

4 49.496 (2) (c) 1. Notify the recipient in writing of its determination that the
5 recipient cannot reasonably be expected to be discharged from the nursing home or
6 hospital, its intent to impose a lien on the recipient's home or other real property in
7 which the recipient has an interest and the recipient's right to a hearing on whether
8 the requirements for the imposition of a lien are satisfied.

9 **SECTION 1828.** 49.496 (2) (d) of the statutes is amended to read:

10 49.496 (2) (d) The department shall obtain a lien under this subsection by
11 recording a lien claim in the office of the register of deeds of the county in which the
12 home property is located.

13 **SECTION 1829.** 49.496 (2) (e) of the statutes is amended to read:

14 49.496 (2) (e) The department may not enforce a lien under this subsection
15 while the recipient lives unless the recipient sells the home property and does not
16 have a living child who is under age 21 or disabled or a living spouse.

17 **SECTION 1830.** 49.496 (2) (f) 3. of the statutes is renumbered 49.496 (2) (fm) 1.

18 **SECTION 1831.** 49.496 (2) (f) 4. of the statutes is renumbered 49.496 (2) (fm) 2.

19 **SECTION 1832.** 49.496 (2) (fm) (intro.) of the statutes is created to read:

20 49.496 (2) (fm) (intro.) In addition to the restriction under par. (f), the
21 department may not enforce a lien on a recipient's home under this subsection after
22 the death of the recipient as long as any of the following survives the recipient:

23 **SECTION 1833.** 49.496 (2) (h) of the statutes is amended to read:

SENATE BILL 55**SECTION 1833**

1 49.496 (2) (h) The department shall file a release of a lien imposed under this
2 subsection if the recipient is discharged from the nursing home or hospital and
3 returns to live in ~~the~~ his or her home.

4 **SECTION 1834.** 49.496 (3) (a) 2. of the statutes is repealed and recreated to read:

5 49.496 (3) (a) 2. Subject to par. (ae), the amount of medical assistance paid on
6 behalf of the recipient after the recipient reaches the age of 55.

7 **SECTION 1835.** 49.496 (3) (ae) of the statutes is created to read:

8 49.496 (3) (ae) The department shall, under par. (a) 2., calculate the amount
9 of medical assistance paid on a fee-for-service basis, except as follows:

10 1. If medical assistance was paid for health care services that were provided
11 by a managed care organization, under a program of all-inclusive care authorized
12 under 42 USC 1396u-4, or under a demonstration program known as the Wisconsin
13 partnership program authorized under a federal waiver under 42 USC 1315, the
14 department shall calculate the amount of medical assistance paid as the capitation
15 rate paid on behalf of the recipient.

16 2. If medical assistance was paid for health care services as part of the family
17 care benefit received under s. 46.286, the department shall calculate the amount of
18 medical assistance paid as the actual cost of those health care services, as reported
19 to the department by a care management organization, as defined in s. 46.2805 (1).

20 **SECTION 1836.** 49.665 (4) (at) 1. a. of the statutes is amended to read:

21 49.665 (4) (at) 1. a. Except as provided in subd. 1. b., the department shall
22 establish a lower maximum income level for the initial eligibility determination if
23 funding under s. 20.435 (4) (bc), (jz) ~~and~~, (p), and (w) is insufficient to accommodate
24 the projected enrollment levels for the health care program under this section. The
25 adjustment may not be greater than necessary to ensure sufficient funding.

SENATE BILL 55**SECTION 1837**

1 **SECTION 1837.** 49.665 (4) (at) 2. of the statutes is amended to read:

2 49.665 (4) (at) 2. If, after the department has established a lower maximum
3 income level under subd. 1., projections indicate that funding under s. 20.435 (4) (bc),
4 (jz) ~~and~~, (p), and (w) is sufficient to raise the level, the department shall, by state plan
5 amendment, raise the maximum income level for initial eligibility, but not to exceed
6 185% of the poverty line.

7 **SECTION 1838.** 49.687 (2) of the statutes is amended to read:

8 49.687 (2) The department shall develop and implement a sliding scale of
9 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.
10 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to
11 pay for treatment. To ensure that the needs for treatment of patients with lower
12 incomes receive priority within the availability of funds under s. 20.435 (4) (e), the
13 department shall revise the sliding scale for patient liability ~~by January 1, 1994, and~~
14 ~~shall, every 3 years thereafter by January 1, review and, if as necessary, revise the~~
15 ~~sliding scale.~~

16 **SECTION 1839.** 49.85 (2) (a) of the statutes is amended to read:

17 49.85 (2) (a) At least annually, the department of health and family services
18 shall certify to the department of revenue the amounts that, based on the
19 notifications received under sub. (1) and on other information received by the
20 department of health and family services, the department of health and family
21 services has determined that it may recover under s. 49.45 (2) (a) 10. or 49.497, except
22 that the department of health and family services may not certify an amount under
23 this subsection unless it has met the notice requirements under sub. (3) and unless
24 its determination has either not been appealed or is no longer under appeal.

25 **SECTION 1840.** 49.85 (3) (a) 1. of the statutes is amended to read:

SENATE BILL 55**SECTION 1840**

1 49.85 (3) (a) 1. Inform the person that the department of health and family
2 services intends to certify to the department of revenue an amount that the
3 department of health and family services has determined to be due under s. 49.45
4 (2) (a) 10. or 49.497, for setoff from any state tax refund that may be due the person.

5 **SECTION 1841.** 49.853 (2) of the statutes is amended to read:

6 49.853 (2) FINANCIAL RECORD MATCHING PROGRAM AND AGREEMENTS. The
7 department shall operate a financial record matching program under this section.
8 The department shall promulgate rules specifying procedures under which the
9 department shall enter into agreements with financial institutions doing business
10 in this state to operate the financial record matching program under this section.
11 The agreement shall require the financial institution to participate in the financial
12 record matching program under this section by electing either the financial
13 institution matching option under sub. (3) or the state matching option under sub.
14 (4). ~~The rules promulgated under this section shall provide for reimbursement of~~
15 ~~financial institutions in an amount not to exceed their actual costs of participation~~
16 department shall reimburse a financial institution up to \$125 per quarter for
17 participating in the financial record matching program under this section.

18 **SECTION 1842.** 49.855 (1) of the statutes is amended to read:

19 49.855 (1) If a person obligated to provide pay child support, family support or,
20 maintenance, or the receiving and disbursing fee under s. 767.29 (1) (d) is delinquent
21 in making court-ordered any of those payments, or owes an outstanding amount that
22 has been ordered by the court for past support, medical expenses, or birth expenses,
23 upon application under s. 59.53 (5) the department of workforce development shall
24 certify the delinquent payment or outstanding amount to the department of revenue
25 and, at least annually, shall provide to the department of revenue any certifications

SENATE BILL 55**SECTION 1842**

1 of delinquencies or outstanding amounts that it receives from another state because
2 the obligor resides in this state.

3 **SECTION 1843.** 49.855 (3) of the statutes is amended to read:

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

SENATE BILL 55**SECTION 1844**

1 **SECTION 1844.** 49.855 (4) of the statutes is amended to read:

2 49.855 (4) The department of revenue shall send that the portion of any state
3 or federal tax refunds or credits withheld for delinquent child or family support or
4 maintenance or past support, medical expenses, or birth expenses to the department
5 of workforce development or its designee for ~~distribution to the obligee~~ deposit in the
6 support collections trust fund under s. 25.68 and shall send the portion of any state
7 or federal tax refunds or credits withheld for delinquent receiving and disbursing
8 fees to the department of workforce development or its designee for deposit in the
9 appropriation account under s. 20.445 (3) (ja). The department of workforce
10 development shall make a settlement at least annually with the department of
11 revenue. The settlement shall state the amounts certified, the amounts deducted
12 from tax refunds and credits, and the administrative costs incurred by the
13 department of revenue.

14 **SECTION 1845.** 49.855 (4m) (b) of the statutes is amended to read:

15 49.855 (4m) (b) The department of revenue may provide a certification that it
16 receives under sub. (1), (2m), or (2p) to the department of administration. Upon
17 receipt of the certification, the department of administration shall determine
18 whether the obligor is a vendor or is receiving any other payments from this state,
19 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
20 45.351 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
21 determines that the obligor is a vendor or is receiving payments from this state,
22 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
23 45.351 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
24 certified from those payments and shall notify the obligor that the state intends to
25 reduce any payments due the obligor by the amount the obligor is delinquent under

SENATE BILL 55**SECTION 1845**

1 the support ~~or~~, maintenance, or receiving and disbursing fee order or obligation, by
2 the outstanding amount for past support, medical expenses, or birth expenses under
3 the court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
4 provide that within 20 days after receipt of the notice the obligor may request a
5 hearing before the circuit court rendering the order under which the obligation arose.
6 An obligor may, within 20 days after receiving notice, request a hearing under this
7 paragraph. Within 10 days after receiving a request for hearing under this
8 paragraph, the court shall set the matter for hearing. The family court commissioner
9 may conduct the hearing. Pending further order by the court or family court
10 commissioner, the department of workforce development or its designee, whichever
11 is appropriate, may not disburse the payments withheld from the obligor. The sole
12 issues at the hearing are whether the obligor owes the amount certified and, if not
13 and it is a support or maintenance order, whether the money withheld shall be paid
14 to the obligor or held for future support or maintenance.

15 **SECTION 1846.** 49.855 (4m) (c) of the statutes is amended to read:

16 49.855 (**4m**) (c) Except as provided by order of the court after hearing under
17 par. (b), the department of administration shall continue withholding until the
18 amount certified is recovered in full. The department of administration shall
19 transfer the amounts withheld under this paragraph to the department of workforce
20 development or its designee, the department of health and family services, or the
21 department of corrections, whichever is appropriate. The department of workforce
22 development or its designee shall distribute deposit amounts withheld for
23 delinquent child or family support ~~or~~, maintenance, or receiving and disbursing fees
24 or past support, medical expenses, or birth expenses ~~to the obligee in the~~
25 appropriation account under s. 20.445 (3) (kp).

SENATE BILL 55**SECTION 1847**

1 **SECTION 1847.** 49.855 (7) of the statutes is amended to read:

2 49.855 (7) The department of workforce development may provide a
3 certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11
4 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m),
5 45.356 (6), 45.396 (6), 45.74 (6), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3)
6 (c), 234.65 (3) (f), 234.83 (2) (a) 3., 234.90 (3) (d) or (3g) (c), ~~234.905 (3) (d)~~, 281.65 (8)
7 (L), or 949.08 (2) (g).

8 **SECTION 1848.** 50.01 (4r) of the statutes is amended to read:

9 50.01 (4r) “Plan of correction” means ~~a nursing home’s~~ an applicable entity’s
10 response to alleged deficiencies cited by the department on forms provided by the
11 department.

12 **SECTION 1849.** 50.02 (1) of the statutes is renumbered 50.02 (1m).

13 **SECTION 1850.** 50.02 (1d) of the statutes is created to read:

14 50.02 (1d) DEFINITION. In this section, “entity” means any of the following:

15 (a) A nursing home that is licensed under s. 50.03 (4) (a) 1. a.

16 (b) A community-based residential facility that is licensed under s. 50.03 (4)
17 (a) 1. b.

18 (c) An adult family home that is licensed under s. 50.033.

19 (d) A residential care apartment complex that is certified under s. 50.034 (1)
20 (a) or registered under s. 50.034 (1) (b).

21 (e) A hospital that is approved under s. 50.35.

22 (f) A home health agency that is licensed under s. 50.49 (6) (a).

23 (g) A rural medical center that is licensed under s. 50.52.

24 (h) A hospice that is licensed under s. 50.92.

25 **SECTION 1851.** 50.02 (2) (am) 2. of the statutes is amended to read:

SENATE BILL 55**SECTION 1851**

1 50.02 (2) (am) 2. For the purposes of s. 50.033, establishing minimum
2 requirements for licensure, licensure application procedures and forms, standards
3 for operation and procedures for monitoring, and inspection, ~~revocation and appeal~~
4 ~~of revocation.~~

5 **SECTION 1852.** 50.02 (3g) (a) 1. to 8. of the statutes are created to read:

6 50.02 (3g) (a) 1. A nursing home, if the department finds that either a class “A”
7 violation, as specified in s. 50.04 (4) (b) 1., or a class “B” violation, as specified in s.
8 50.04 (4) (b) 2., by the nursing home continues to exist.

9 2. A community-based residential facility, if the department finds that a
10 violation by the community-based residential facility of an applicable provision of
11 s. 50.03, 50.035, 50.037, 50.05, 50.06, 50.065, 50.07, or 50.09, or of a rule promulgated
12 under an applicable provision of sub. (2) or (3) or s. 50.03, 50.035, 50.037, 50.05,
13 50.06, 50.065, 50.07, or 50.09, continues to exist.

14 3. A licensed adult family home, if the department finds that a violation by the
15 adult family home of s. 50.033 or 50.065 or of a rule promulgated under s. 50.02 (2)
16 (am) 2., 50.033, or 50.065 continues to exist.

17 4. A certified or registered residential care apartment complex, if the
18 department finds that a violation by the residential care apartment complex of s.
19 50.034 or 50.065 or of a rule promulgated under s. 50.034 or 50.065 continues to exist.

20 5. A hospital, if the department finds that a violation by the hospital of s.
21 50.065, 50.35, 50.355, or 50.36 (3) or (3m) or of a rule promulgated under s. 50.065,
22 50.35, 50.355, or 50.36 (3) or (3m) continues to exist.

23 6. A home health agency, if the department finds that a violation by the home
24 health agency of s. 50.065 or 50.49 or of a rule promulgated under s. 50.065 or 50.49
25 continues to exist.

SENATE BILL 55**SECTION 1852**

1 7. A rural medical center, if the department finds that a violation by the rural
2 medical center of s. 50.065, 50.53 (2), 50.535, or 50.54 (2) or of a rule promulgated
3 under s. 50.065, 50.53 (2), 50.535, or 50.54 (2) continues to exist.

4 8. A hospice, if the department finds that a violation by the hospice of s. 50.065,
5 50.92, 50.93 (1) to (3m), or 50.95 or of a rule promulgated under s. 50.065, 50.92, 50.93
6 (1) to (3m), or 50.95 continues to exist.

7 **SECTION 1853.** 50.03 (2) (d) of the statutes is amended to read:

8 50.03 (2) (d) Any holder of a license or applicant for a license shall be deemed
9 to have given consent to any authorized officer, employee or agent of the department
10 to enter and inspect the facility in accordance with this subsection. Refusal to permit
11 such entry or inspection shall constitute grounds for initial ~~license~~ license denial,
12 as provided in sub. (4), ~~or suspension or revocation of a license~~, as provided in sub.
13 ~~(5)~~ s. 50.02 (3m) (bm).

14 **SECTION 1854.** 50.03 (3) (f) of the statutes is amended to read:

15 50.03 (3) (f) Community-based residential facilities shall report all formal
16 complaints regarding their operation filed under sub. (2) (f) and the disposition of
17 each when reporting under sub. (4) (c) ~~1.~~ 2m.

18 **SECTION 1855.** 50.03 (4) (a) 1. b. of the statutes is amended to read:

19 50.03 (4) (a) 1. b. Except as provided in sub. (4m) (b), the department shall issue
20 a license for a community-based residential facility if it finds the applicant to be fit
21 and qualified, if it finds that the community-based residential facility meets the
22 requirements established by this subchapter and if the community-based
23 residential facility has paid the license fee under s. 50.037 (2) (a). In determining
24 whether to issue a license for a community-based residential facility, the department
25 may consider any action by the applicant or by an employee of the applicant that

SENATE BILL 55**SECTION 1855**

1 constitutes a substantial failure by the applicant or employee to protect and promote
2 the health, safety or welfare of a resident. The department may deny licensure to
3 or revoke licensure for any person who conducted, maintained, operated or permitted
4 to be maintained or operated a community-based residential facility for which
5 licensure was revoked. The department, or its designee, shall make such inspections
6 and investigations as are necessary to determine the conditions existing in each case
7 and shall file written reports. In reviewing the report of a community-based
8 residential facility that is required to be submitted under par. (c) 1. 2m., the
9 department shall consider all complaints filed under sub. (2) (f) since initial license
10 issuance or since the last review, whichever is later, and the disposition of each. The
11 department shall promulgate rules defining "fit and qualified" for the purposes of
12 this subd. 1. b.

13 **SECTION 1856.** 50.03 (4) (c) 1. of the statutes is amended to read:

14 50.03 (4) (c) 1. A community-based residential facility license is valid until it
15 is revoked or suspended under this section s. 50.02 (3m) (bm).

16 2m. Every 24 months, on a schedule determined by the department, a
17 community-based residential facility licensee shall submit a biennial report in the
18 form and containing the information that the department requires, including
19 payment of the fees required under s. 50.037 (2) (a). If a complete biennial report is
20 not timely filed, the department shall issue a warning to the licensee. The
21 department may revoke a community-based residential facility license for failure to
22 timely and completely report within 60 days after the report date established under
23 the schedule determined by the department.

24 **SECTION 1857.** 50.03 (4) (c) 2. of the statutes is renumbered 50.03 (4) (cm) 1.
25 and amended to read:

SENATE BILL 55**SECTION 1857**

1 50.03 (4) (cm) 1. A nursing home license is valid until it is revoked ~~or suspended~~
2 under ~~this section s. 50.02 (3m) (bm)~~.

3 2. Every 12 months, on a schedule determined by the department, a nursing
4 home licensee shall submit a report in the form and containing the information that
5 the department requires, including payment of the fee required under s. 50.135 (2)
6 (a). If a complete report is not timely filed, the department shall issue a warning to
7 the licensee. The department may revoke a nursing home license for failure to timely
8 and completely report within 60 days after the report date established under the
9 schedule determined by the department.

10 **SECTION 1858.** 50.03 (4) (c) 3. of the statutes is created to read:

11 50.03 (4) (c) 3. A community-based residential facility that is in substantial
12 noncompliance with a federal statute or regulation or with an applicable provision
13 of this chapter shall demonstrate, including by providing financial or other
14 information requested by the department, that the community-based residential
15 facility continues to be fit and qualified, as defined by the department by rule under
16 par. (a) 1. a., to operate. The department shall promulgate rules defining
17 “substantial noncompliance” for the purposes of this subdivision.

18 **SECTION 1859.** 50.03 (4) (cm) 3. of the statutes is created to read:

19 50.03 (4) (cm) 3. A nursing home that is in substantial noncompliance with a
20 federal statute or regulation or with an applicable provision of this chapter shall
21 demonstrate, including by providing financial or other information requested by the
22 department, that the nursing home continues to be fit and qualified, as defined by
23 the department by rule under par. (a) 1. b., to operate. The department shall
24 promulgate rules defining “substantial noncompliance” for the purposes of this
25 subdivision.

SENATE BILL 55**SECTION 1860**

1 **SECTION 1860.** 50.03 (5) of the statutes is repealed.

2 **SECTION 1861.** 50.03 (5g) (title) of the statutes is renumbered 50.02 (3m) (title)
3 and amended to read:

4 50.02 **(3m)** (title) ~~SANCTIONS AND PENALTIES FOR COMMUNITY-BASED RESIDENTIAL~~
5 ~~FACILITIES.~~

6 **SECTION 1862.** 50.03 (5g) (a) of the statutes is repealed.

7 **SECTION 1863.** 50.03 (5g) (b) of the statutes is renumbered 50.02 (3m) (a) and
8 amended to read:

9 50.02 **(3m)** (a) ~~Except as provided in s. 50.04 (4) and (5), if~~ If, based on an
10 investigation made by the department, the department provides to a
11 ~~community-based residential facility~~ any of the following entities written notice of
12 the grounds for a sanction, an explanation of the types of sanctions and penalties that
13 the department may impose under this subsection, and an explanation of the process
14 for appealing a sanction or penalty imposed under this subsection, the department
15 may order any of the following applicable sanctions:

16 1. That a person stop conducting, maintaining or operating ~~the~~
17 ~~community-based residential facility~~ an entity under sub. (1d) (b), (e), or (f) if the
18 ~~community-based residential facility~~ entity is without a valid license or
19 ~~probationary license in violation of sub. (1), or approval, probationary license, or~~
20 conditional license or approval.

21 2. That, within 30 days after the date of the order, ~~the community-based~~
22 ~~residential facility~~ under this subdivision, an entity under sub. (1d) (b), (e), or (f)
23 terminate the employment of any employed person who conducted, maintained,
24 operated or permitted to be maintained or operated a ~~community-based residential~~
25 ~~facility~~ an entity for which licensure or approval or conditional licensure or approval

SENATE BILL 55**SECTION 1863**

1 was revoked before issuance of the department's order. ~~This~~ The order under this
2 subdivision includes employment of a person in any capacity, whether as an officer,
3 director, agent, or employee of the ~~community-based residential facility~~ entity.

4 3. That a licensee an entity under sub. (1d) (b), (e), or (f) stop violating any
5 provision of licensure or approval or conditional licensure or approval applicable to
6 a ~~community-based residential facility under sub. (4) or (4m)~~ the entity under this
7 chapter or of rules relating to ~~community-based residential facilities~~ the entity
8 promulgated by the department under ~~sub. (4) or (4m)~~ this chapter.

9 4. That a licensee an entity under sub. (1d) (b), (e), or (f) submit a plan of
10 correction for violation of any provision of licensure or approval or conditional
11 licensure or approval applicable to a ~~community-based residential facility under~~
12 ~~sub. (4) or (4m)~~ the entity under this chapter or of a rule relating to ~~community-based~~
13 ~~residential facilities~~ the entity promulgated by the department under ~~sub. (4) or (4m)~~
14 this chapter.

15 5. That a licensee an entity under sub. (1d) (b) implement and comply with a
16 plan of correction previously submitted by the licensee entity and approved by the
17 department.

18 6. That a licensee an entity under sub. (1d) (b) implement and comply with a
19 plan of correction for the entity that is developed by the department.

20 7. That a licensee an entity under sub. (1d) (a), (b), or (e) accept no additional
21 residents or patients until all violations are corrected.

22 8. That a licensee an entity under sub. (1d) (b), (e), or (f) provide training in one
23 or more specific areas for all of the licensee's entity's staff or for specific staff
24 members.

SENATE BILL 55**SECTION 1864**

1 **SECTION 1864.** 50.03 (5g) (c) (intro.) and 1. of the statutes are renumbered 50.02
2 (3m) (b) 1. and 2., and 50.02 (3m) (b) 1. and 2. (intro.), a. and c., as renumbered, are
3 amended to read:

4 50.02 **(3m)** (b) 1. If the department provides to ~~a community-based residential~~
5 ~~facility~~ an entity under sub. (1d) (a), (b), (c), (d), (e), (f), (g), or (h) written notice of the
6 a penalty, the grounds for a sanction or the penalty, an explanation of the types of
7 sanctions or penalties that the department may impose under this subsection, and
8 an explanation of the process for appealing a sanction or penalty imposed under this
9 subsection, the department may impose ~~any of the following~~ a forfeiture against a
10 licensee an entity under sub. (1d) (b), (c), (d), (e), (f), (g), or (h) or other person who
11 violates the applicable provisions of this ~~section~~ chapter or rules promulgated under
12 the applicable provisions of this ~~section~~ chapter or against an entity under sub. (1d)
13 (a), (b), (e), or (f), who fails to comply with an applicable order issued under par. (b)
14 (a) by the time specified in the order.

15 2. (intro.) ~~A-~~ For a forfeiture specified under subd. 1., the department shall
16 impose a daily forfeiture amount ~~per violation~~ of not less than \$10 nor more than
17 ~~\$1,000~~ \$2,000 for each violation, with each day of violation constituting a separate
18 offense. All of the following apply to a forfeiture under this subdivision:

19 a. Within the limits specified in this subdivision, the department may, by rule,
20 set daily forfeiture amounts and payment deadlines based on the size ~~and type of~~
21 ~~community-based residential facility~~ of the entity and, for a community-based
22 residential facility, the type of community-based residential facility, and the
23 seriousness of the violation. The department may set daily forfeiture amounts that
24 increase periodically within the statutory limits if there is continued failure to
25 comply with an order issued under par. (b) (a).

SENATE BILL 55**SECTION 1864**

1 c. ~~All forfeitures shall be paid~~ An entity assessed a forfeiture shall pay the
2 forfeiture to the department within 10 days after receipt of notice of assessment or,
3 if the forfeiture is contested under par. ~~(f)~~ (e), within 10 days after receipt of the final
4 decision after exhaustion of administrative review, unless the final decision is
5 appealed and the order is stayed by court order under s. ~~50.03 (11)~~ sub. (3r). The
6 department shall remit all forfeitures paid under this subdivision to the state
7 treasurer for deposit in the school fund.

8 **SECTION 1865.** 50.03 (5g) (c) 2. of the statutes is repealed.

9 **SECTION 1866.** 50.03 (5g) (c) 3. of the statutes is renumbered 50.02 (3m) (bm)
10 and amended to read:

11 50.02 **(3m)** (bm) ~~Revocation~~ If the department provides to an entity written
12 notice of revocation, the grounds for the revocation, an explanation of the types of
13 sanctions or penalties that the department may impose under this subsection and
14 an explanation of the process for appealing a sanction or penalty imposed under this
15 subsection, the department may impose revocation of licensure, certification,
16 approval, or registration or conditional licensure, certification, approval, or
17 registration as specified in pars. ~~(d) to (g)~~ (c) to (f).

18 **SECTION 1867.** 50.03 (5g) (d) of the statutes is renumbered 50.02 (3m) (c) and
19 amended to read:

20 50.02 **(3m)** (c) Under the procedure specified in par. ~~(e)~~ (d), the department
21 shall revoke approval of a hospital that fails to comply with s. 165.40 (6) (a) 1. or 2.
22 and may revoke a license, certification, approval, or registration or conditional
23 license, certification, approval, or registration for a licensee an entity for any of the
24 following reasons:

SENATE BILL 55**SECTION 1867**

1 1. The department has imposed a sanction or penalty on the licensee entity
2 under par. (e) (b) and the licensee entity continues to violate or resumes violation of
3 ~~a~~ an applicable provision of licensure under sub. (4) or (4m), certification, approval,
4 or registration or conditional licensure, certification, approval, or registration, a rule
5 relating to the entity promulgated under this ~~subchapter~~ chapter or an order issued
6 under par. (b) (a) that forms any part of the basis for the sanction or penalty.

7 2. The licensee entity or a person under the supervision of the licensee entity
8 has substantially violated a provision of licensure, certification, approval, or
9 registration or conditional licensure, certification, approval, or registration
10 applicable to a community-based residential facility under sub. (4) or (4m) the entity,
11 a rule relating to ~~community-based residential facilities~~ the entity promulgated
12 under this ~~subchapter~~ chapter, or an order issued under par. (b) (a).

13 3. The licensee entity or a person under the supervision of the licensee entity
14 has acted in relation to or has created a condition relating to the operation or
15 maintenance of the ~~community-based residential facility~~ entity that directly
16 threatens the health, safety, or welfare of a resident ~~of the community-based~~
17 residential facility or patient of the entity.

18 4. The licensee entity or a person under the supervision of the licensee entity
19 has repeatedly violated the same or similar provisions of licensure ~~under sub. (4) or~~
20 (4m), certification, approval, or registration or conditional licensure, certification,
21 approval, or registration applicable to the entity, rules relating to the entity
22 promulgated under this ~~subchapter~~ chapter or orders issued under par. (b) (a).

23 **SECTION 1868.** 50.03 (5g) (e) of the statutes is renumbered 50.02 (3m) (d) and
24 amended to read:

SENATE BILL 55**SECTION 1868**

1 50.02 (3m) (d) 1. The department may revoke a license for a licensee,
2 certification, approval, or registration or conditional license, certification, approval,
3 or registration of an entity for the reason specified in par. (d) (c) 1., 2., 3., or 4. if the
4 department provides the licensee with written notice of revocation, the grounds for
5 the revocation and an explanation of the process for appealing the revocation,
6 complies with par. (bm) at least 30 days before the date of revocation. The
7 department may revoke the license, certification, approval, or registration or
8 conditional license, certification, approval, or registration only if the violation
9 remains substantially uncorrected on the date of revocation or license expiration of
10 the license, certification, approval, or registration or conditional license,
11 certification, approval, or registration.

12 2. The department shall revoke approval for a hospital that fails to comply with
13 s. 165.40 (6) (a) 1. or 2. and may revoke a license, certification, approval, or
14 registration or conditional license, certification, approval, or registration for a
15 licensee an entity for the reason specified in par. (d) (c) 2. or 3. immediately if the
16 department provides the licensee with written notice of revocation, the grounds for
17 the revocation and an explanation of the process for appealing the revocation
18 complies with par. (bm).

19 3. The department may deny a license, certification, approval, or registration
20 or conditional license, certification, approval, or registration for a licensee an entity
21 whose license, certification, approval, or registration or conditional license,
22 certification, approval, or registration was revoked under this paragraph.

23 **SECTION 1869.** 50.03 (5g) (f) of the statutes is renumbered 50.02 (3m) (e) and
24 amended to read:

SENATE BILL 55**SECTION 1869**

1 50.02 (3m) (e) If ~~a community-based residential facility~~ an entity desires to
2 contest the revocation of a license, certification, approval, or registration or ~~to contest~~
3 the ~~imposing~~ imposition of a sanction or penalty, including an assessment of
4 forfeiture, under this subsection, or the issuance or terms of a conditional license,
5 certification, approval, or registration under sub. (3g), the ~~community-based~~
6 residential facility entity shall, within 10 days after receipt of notice under par. (e)
7 (a), (b), or (bm), notify the department in writing of its request for a hearing under
8 s. 227.44. The department shall hold ~~the hearing~~ a prehearing conference within 30
9 days after receipt of such the notice and shall send notice to the ~~community-based~~
10 residential facility entity of the a hearing as provided under s. 227.44 (2). This
11 paragraph does not apply to the issuance of a notice of violation or the requirement
12 to submit a plan of correction.

13 **SECTION 1870.** 50.03 (5g) (g) 1. and 3. of the statutes are renumbered 50.02 (3m)
14 (f) 1. and 2. and amended to read:

15 50.02 (3m) (f) 1. Subject to s. 227.51 (3), revocation shall become effective on
16 the date set by the department in the notice of revocation, ~~or~~ upon final action after
17 hearing under ch. 227, or after court action if a stay is granted under sub. (11) (3r),
18 whichever is later.

19 2. The department may extend the effective date of revocation of a license,
20 certification, approval, or registration or conditional license, certification, approval,
21 or registration in any case in order to permit orderly removal and relocation of
22 residents or patients.

23 **SECTION 1871.** 50.03 (5m) (a) 2. of the statutes is amended to read:

24 50.03 (5m) (a) 2. The department has ~~suspended or~~ revoked the existing license
25 of the facility as provided under ~~sub. (5)~~ s. 50.02 (3m) (bm).

SENATE BILL 55**SECTION 1872**

1 **SECTION 1872.** 50.03 (5m) (a) 3. of the statutes is amended to read:

2 50.03 (**5m**) (a) 3. The department has initiated revocation procedures under
3 sub. (5) and has determined that the lives, health, safety, or welfare of the resident
4 cannot be adequately assured pending a full hearing on license revocation under sub.
5 ~~(5)~~ s. 50.02 (3m) (bm).

6 **SECTION 1873.** 50.03 (11) of the statutes is renumbered 50.02 (3r) and amended
7 to read:

8 50.02 (**3r**) JUDICIAL REVIEW. (a) All administrative remedies shall be exhausted
9 before an agency determination under this ~~subchapter shall be~~ chapter is subject to
10 judicial review. Final decisions after hearing ~~shall be~~ are subject to judicial review
11 exclusively as provided in s. 227.52, except that an entity shall file any petition for
12 review of department action under this chapter ~~shall be filed~~ within 15 days after
13 receipt of notice of the final agency determination.

14 (b) The court may stay enforcement under s. 227.54 of the ~~department's~~
15 agency's final decision if a showing is made that there is a substantial probability
16 that the party seeking review will prevail on the merits and will suffer irreparable
17 harm if a stay is not granted, and that the ~~facility~~ entity will meet the applicable
18 requirements of this ~~subchapter~~ chapter and the rules promulgated under this
19 ~~subchapter~~ chapter during such the stay. ~~Where~~ If a stay is granted, the court may
20 impose such conditions on the granting of the stay as may be necessary to safeguard
21 the lives, health, rights, safety, and welfare of residents or patients, and to assure
22 compliance by the ~~facility~~ entity with the requirements of this ~~subchapter~~ chapter.

23 (d) The attorney general may delegate to the department the authority to
24 represent the state in any action brought to challenge department ~~decisions~~ actions

SENATE BILL 55**SECTION 1873**

1 prior to exhaustion of administrative remedies and final disposition by the
2 department agency.

3 **SECTION 1874.** 50.03 (13) (a) of the statutes is amended to read:

4 50.03 (13) (a) *New license.* Whenever ownership of a facility is transferred from
5 the person or persons named in the license to any other person or persons, the
6 transferee must obtain a new license. The license may be a probationary license.
7 Penalties under sub. (1) shall apply to violations of this subsection. The transferee
8 shall notify the department of the transfer, file an application under sub. (3) (b), and
9 apply for a new license at least 30 days prior to final transfer. Retention of any
10 interest required to be disclosed under sub. (3) (b) after transfer by any person who
11 held such an interest prior to transfer may constitute grounds for denial of a license
12 where violations of this subchapter for which notice had been given to the transferor
13 are outstanding and uncorrected, if the department determines that effective control
14 over operation of the facility has not been transferred. If the transferor was a
15 provider under s. 49.43 (10), the transferee and transferor shall comply with s. 49.45
16 (21).

17 **SECTION 1875.** 50.03 (13) (c) of the statutes is amended to read:

18 50.03 (13) (c) *Outstanding violations.* Violations reported in departmental
19 inspection reports prior to the transfer of ownership shall be corrected, with
20 corrections verified by departmental survey, prior to the issuance of a full regular
21 license to the transferee. The license granted to the transferee shall be subject to the
22 plan of correction submitted by the previous owner and approved by the department
23 and any conditions contained in a conditional license issued to the previous owner.
24 In the case of a nursing home, if there are outstanding violations and no approved

SENATE BILL 55**SECTION 1875**

1 plan of correction has been implemented, the department may issue a conditional
2 license and plan of correction as provided in s. 50.04 (6) 50.02 (3g).

3 **SECTION 1876.** 50.033 (2) of the statutes is amended to read:

4 50.033 (2) REGULATION. Standards for operation of licensed adult family homes
5 and procedures for application for licensure, monitoring, and inspection, ~~revocation~~
6 ~~and appeal of revocation~~ under this section shall be under rules promulgated by the
7 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
8 revoked under ~~this section~~ s. 50.02 (3m) (bm). Licensure is not transferable. The
9 biennial licensure fee for a licensed adult family home is \$135. The fee is payable to
10 the county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county
11 department licenses the adult family home under sub. (1m) (b), and is payable to the
12 department, on a schedule determined by the department if the department licenses
13 the adult family home under sub. (1m) (b).

14 **SECTION 1877.** 50.033 (2r) of the statutes is amended to read:

15 50.033 (2r) PROVISION OF INFORMATION REQUIRED. Subject to sub. (2t), an adult
16 family home shall, within the time period after inquiry by a prospective resident that
17 is prescribed by the department by rule, inform the prospective resident of the
18 services of a resource center under s. 46.283, the family care benefit under s. 46.286
19 and the availability of a functional screening and financial ~~screen~~ eligibility and
20 cost-sharing screening to determine the prospective resident's eligibility for the
21 family care benefit under s. 46.286 (1).

22 **SECTION 1878.** 50.033 (2s) (intro.) of the statutes is amended to read:

23 50.033 (2s) REQUIRED REFERRAL. (intro.) Subject to sub. (2t), an adult family
24 home shall, within the time period prescribed by the department by rule, refer to a
25 resource center under s. 46.283 a person who is seeking admission, who is at least

SENATE BILL 55**SECTION 1878**

1 65 years of age or has developmental disability or a physical disability and whose
2 disability or condition is expected to last at least 90 days, unless any of the following
3 applies:

4 **SECTION 1879.** 50.033 (2s) (a) of the statutes is amended to read:

5 50.033 (2s) (a) For a person who has received a ~~screen~~ screening for functional
6 eligibility under s. 46.286 (1) (a) within the previous 6 months, the referral under this
7 subsection need not include performance of an additional functional ~~screen~~
8 screening under s. 46.283 (4) ~~(g)~~ (3m) (c).

9 **SECTION 1880.** 50.033 (2s) (d) of the statutes is amended to read:

10 50.033 (2s) (d) For a person who seeks admission or is about to be admitted on
11 a private pay basis and who waives the requirement for a financial ~~screen~~ eligibility
12 and cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), the referral under this
13 subsection may not include performance of a financial ~~screen~~ eligibility and
14 cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), unless the person is expected
15 to become eligible for medical assistance within 6 months.

16 **SECTION 1881.** 50.033 (2t) of the statutes is amended to read:

17 50.033 (2t) APPLICABILITY. Subsections (2r) and (2s) apply only if the secretary
18 has certified under s. 46.281 (3) (a) that a resource center is available for the adult
19 family home and for specified groups of eligible individuals that include those
20 persons seeking admission to or the residents of the adult family home.

21 **SECTION 1882.** 50.033 (4) of the statutes is repealed.

22 **SECTION 1883.** 50.034 (2) (f) of the statutes is amended to read:

23 50.034 (2) (f) Establishing standards and procedures for ~~appeals of revocations~~
24 ~~of certification or refusal to issue or renew certification.~~

25 **SECTION 1884.** 50.034 (5g) of the statutes is created to read:

SENATE BILL 55**SECTION 1884**

1 50.034 **(5g)** INFORMATION TO PROSPECTIVE RESIDENTS. Except in a county in which
2 subs. (5m) and (5n) are applicable, as specified in sub. (5p), a residential care
3 apartment complex shall inform a prospective resident of the services of the county
4 aging unit and an entity specified under s. 46.27 (3) (b) 1. to 6. or (3m) that is
5 designated to administer the program under s. 46.27 and conditions for eligibility for
6 public funding for long-term care services.

7 **SECTION 1885.** 50.034 (5m) of the statutes is amended to read:

8 50.034 **(5m)** PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), a
9 residential care apartment complex shall, within the time period after inquiry by a
10 prospective resident that is prescribed by the department by rule, inform the
11 prospective resident of the services of a resource center under s. 46.283, the family
12 care benefit under s. 46.286 and the availability of a functional screening and
13 financial ~~screen~~ eligibility and cost-sharing screening to determine the prospective
14 resident's eligibility for the family care benefit under s. 46.286 (1).

15 **SECTION 1886.** 50.034 (5n) (intro.) of the statutes is amended to read:

16 50.034 **(5n)** REQUIRED REFERRAL. (intro.) Subject to sub. (5p), a residential care
17 apartment complex shall, within the time period prescribed by the department by
18 rule, refer to a resource center under s. 46.283 a person who is seeking admission,
19 who is at least 65 years of age or has developmental disability or a physical disability
20 and whose disability or condition is expected to last at least 90 days, unless any of
21 the following applies:

22 **SECTION 1887.** 50.034 (5n) (a) of the statutes is amended to read:

23 50.034 **(5n)** (a) For a person who has received a ~~screen~~ screening for functional
24 eligibility under s. 46.286 (1) (a) within the previous 6 months, the referral under this

SENATE BILL 55**SECTION 1887**

1 subsection need not include performance of an additional functional screen
2 screening under s. 46.283 (4) ~~(g)~~ (3m) (c).

3 **SECTION 1888.** 50.034 (5n) (d) of the statutes is amended to read:

4 50.034 (5n) (d) For a person who seeks admission or is about to be admitted on
5 a private pay basis and who waives the requirement for a financial screen eligibility
6 and cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), the referral under this
7 subsection may not include performance of a financial screen eligibility and
8 cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), unless the person is expected
9 to become eligible for medical assistance within 6 months.

10 **SECTION 1889.** 50.034 (5p) of the statutes is amended to read:

11 50.034 (5p) APPLICABILITY. Subsections (5m) and (5n) apply only if the secretary
12 has certified under s. 46.281 (3) (a) that a resource center is available for the
13 residential care apartment complex and for specified groups of eligible individuals
14 that include those persons seeking admission to or the residents of the residential
15 care apartment complex.

16 **SECTION 1890.** 50.034 (7) of the statutes is repealed.

17 **SECTION 1891.** 50.034 (8) of the statutes, as affected by 2001 Wisconsin Act
18 (this act), is repealed.

19 **SECTION 1892.** 50.034 (8) (a) of the statutes is amended to read:

20 50.034 (8) (a) Whoever violates sub. ~~(5g)~~, (5m), or (5n) or rules promulgated
21 under sub. ~~(5g)~~, (5m), or (5n) may be required to forfeit not more than \$500 for each
22 violation.

23 **SECTION 1893.** 50.035 (4m) of the statutes is amended to read:

24 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), a
25 community-based residential facility shall, within the time period after inquiry by

SENATE BILL 55**SECTION 1893**

1 a prospective resident that is prescribed by the department by rule, inform the
2 prospective resident of the services of a resource center under s. 46.283, the family
3 care benefit under s. 46.286 and the availability of a functional screening and
4 financial screen eligibility and cost-sharing screening to determine the prospective
5 resident's eligibility for the family care benefit under s. 46.286 (1).

6 **SECTION 1894.** 50.035 (4n) (intro.) of the statutes is amended to read:

7 50.035 (4n) REQUIRED REFERRAL. (intro.) Subject to sub. (4p), a
8 community-based residential facility shall, within the time period prescribed by the
9 department by rule, refer to a resource center under s. 46.283 a person who is seeking
10 admission, who is at least 65 years of age or has developmental disability or a
11 physical disability and whose disability or condition is expected to last at least 90
12 days, unless any of the following applies:

13 **SECTION 1895.** 50.035 (4n) (a) of the statutes is amended to read:

14 50.035 (4n) (a) For a person who has received a ~~screen~~ screening for functional
15 eligibility under s. 46.286 (1) (a) within the previous 6 months, the referral under this
16 subsection need not include performance of an additional functional ~~screen~~
17 screening under s. 46.283 (4) ~~(g)~~ (3m) (c).

18 **SECTION 1896.** 50.035 (4n) (d) of the statutes is amended to read:

19 50.035 (4n) (d) For a person who seeks admission or is about to be admitted on
20 a private pay basis and who waives the requirement for a financial ~~screen~~ eligibility
21 and cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), the referral under this
22 subsection may not include performance of a financial ~~screen~~ eligibility and
23 cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), unless the person is expected
24 to become eligible for medical assistance within 6 months.

25 **SECTION 1897.** 50.035 (4p) of the statutes is amended to read:

SENATE BILL 55**SECTION 1897**

1 50.035 (4p) APPLICABILITY. Subsections (4m) and (4n) apply only if the secretary
2 has certified under s. 46.281 (3) (a) that a resource center is available for the
3 community-based residential facility and for specified groups of eligible individuals
4 that include those persons seeking admission to or the residents of the
5 community-based residential facility.

6 **SECTION 1898.** 50.035 (9) (title) of the statutes is amended to read:

7 50.035 (9) (title) NOTIFICATION TO PROSPECTIVE RESIDENTS OF ASSESSMENT
8 REQUIREMENT; REFERRAL.

9 **SECTION 1899.** 50.035 (9) of the statutes is renumbered 50.035 (9) (a).

10 **SECTION 1900.** 50.035 (9) (b) of the statutes is created to read:

11 50.035 (9) (b) Except in a county in which subs. (4m) and (4n) are applicable,
12 as specified in sub. (4p), a community-based residential facility shall refer a person
13 who is seeking admission to an entity specified under s. 46.27 (3) (b) 1. to 6. or (3m)
14 that is designated to administer the program under s. 46.27.

15 **SECTION 1901.** 50.035 (11) of the statutes, as affected by 2001 Wisconsin Act
16 (this act), is repealed.

17 **SECTION 1902.** 50.035 (11) (a) of the statutes is amended to read:

18 50.035 (11) (a) Whoever violates sub. (4m) ~~or~~, (4n), or (9) (b) or rules
19 promulgated under sub. (4m) ~~or~~, (4n), or (9) (b) may be required to forfeit not more
20 than \$500 for each violation.

21 **SECTION 1903.** 50.04 (2g) (a) of the statutes is amended to read:

22 50.04 (2g) (a) Subject to sub. (2i), a nursing home shall, within the time period
23 after inquiry by a prospective resident that is prescribed by the department by rule,
24 inform the prospective resident of the services of a resource center under s. 46.283,
25 the family care benefit under s. 46.286 and the availability of a functional screening

SENATE BILL 55**SECTION 1903**

1 and financial screen eligibility and cost-sharing screening to determine the
2 prospective resident's eligibility for the family care benefit under s. 46.286 (1).

3 **SECTION 1904.** 50.04 (2h) (a) 1. of the statutes is amended to read:

4 50.04 (2h) (a) 1. For a person who has received a screen screening for functional
5 eligibility under s. 46.286 (1) (a) within the previous 6 months, the referral under this
6 paragraph need not include performance of an additional functional screen
7 screening under s. 46.283 (4) ~~(g)~~ (3m) (c).

8 **SECTION 1905.** 50.04 (2h) (a) 4. of the statutes is amended to read:

9 50.04 (2h) (a) 4. For a person who seeks admission or is about to be admitted
10 on a private pay basis and who waives the requirement for a financial screen
11 eligibility and cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), the referral
12 under this subsection may not include performance of a financial screen eligibility
13 and cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), unless the person
14 expected to become eligible for medical assistance within 6 months.

15 **SECTION 1906.** 50.04 (2i) of the statutes is amended to read:

16 50.04 (2i) APPLICABILITY. Subsections (2g) and (2h) apply only if the secretary
17 has certified under s. 46.281 (3) (a) that a resource center is available for the nursing
18 home and for specified groups of eligible individuals that include those persons
19 seeking admission to or the residents of the nursing home.

20 **SECTION 1907.** 50.04 (2m) (b) of the statutes is amended to read:

21 50.04 (2m) (b) Paragraph (a) does not apply to those residents for whom the
22 secretary has certified under s. 46.281 (3) (a) that a resource center is available.

23 **SECTION 1908.** 50.04 (4) (d) of the statutes is repealed.

24 **SECTION 1909.** 50.04 (4) (e) 3. of the statutes is amended to read:

SENATE BILL 55**SECTION 1909**

1 50.04 (4) (e) 3. In any petition for judicial review under s. 50.02 (3r) of a decision
2 by the division under subd. 2., the department, if not the petitioner who was in the
3 proceeding before the division under subd. 1., shall be the named respondent.

4 **SECTION 1910.** 50.04 (5) (e) of the statutes is amended to read:

5 50.04 (5) (e) *Forfeiture appeal hearing.* A nursing home may contest an
6 assessment of forfeiture by sending, within 10 days after receipt of notice of a
7 contested action, a written request for hearing under s. 227.44 to the division of
8 hearings and appeals created under s. 15.103 (1). The administrator of the division
9 may designate a hearing examiner to preside over the case and recommend a decision
10 to the administrator under s. 227.46. The decision of the administrator of the
11 division shall be the final administrative decision. The division shall commence the
12 hearing within 30 days of receipt of the request for hearing and shall issue a final
13 decision within 15 days after the close of the hearing. Proceedings before the division
14 are governed by ch. 227. In any petition for judicial review under s. 50.02 (3r) of a
15 decision by the division, the party, other than the petitioner, who was in the
16 proceeding before the division shall be the named respondent.

17 **SECTION 1911.** 50.04 (5) (f) of the statutes is amended to read:

18 50.04 (5) (f) *Forfeitures paid within 10 days.* All forfeitures shall be paid to the
19 department within 10 days of receipt of notice of assessment or, if the forfeiture is
20 contested under par. (e), within 10 days of receipt of the final decision after
21 exhaustion of administrative review, unless the final decision is appealed and the
22 order is stayed by court order under s. ~~50.03 (11)~~ 50.02 (3r). The department shall
23 remit all forfeitures paid to the state treasurer for deposit in the school fund.

24 **SECTION 1912.** 50.04 (6) (title) of the statutes is renumbered 50.02 (3g) (title)
25 and amended to read:

SENATE BILL 55**SECTION 1912**

1 50.02 (3g) (title) CONDITIONAL LICENSE, CERTIFICATION, APPROVAL, OR
2 REGISTRATION.

3 **SECTION 1913.** 50.04 (6) (a) of the statutes is renumbered 50.02 (3g) (a) (intro.)
4 and amended to read:

5 50.02 (3g) (a) *Power of department.* (intro.) ~~In addition to the right to assess~~
6 ~~forfeitures under sub. (5), the~~ The department may, in addition to assessing
7 forfeitures under sub. (3m) (b), issue a conditional license, certification, approval, or
8 registration, as applicable, to any nursing home if the department finds that either
9 a class "A" or class "B" violation, as defined in sub. (4), continues to exist in such
10 home. of the following, under the following conditions:

11 (b) ~~The issuance of a conditional license shall revoke, certification, approval,~~
12 ~~or registration to an entity revokes any outstanding license held by the nursing~~
13 ~~home. The nursing home may seek review of a decision to issue a conditional license~~
14 ~~as provided under s. 50.03 (5), certification, approval, or registration held under this~~
15 chapter by the entity.

16 **SECTION 1914.** 50.04 (6) (b) of the statutes is renumbered 50.02 (3g) (c) and
17 amended to read:

18 50.02 (3g) (c) *Violation correction plan.* ~~Prior to the issuance of a conditional~~
19 ~~license, certification, approval, or registration, the department shall establish a~~
20 ~~written plan of correction. The plan shall specify the violations which that prevent~~
21 ~~full licensure, certification, approval, or registration and shall establish a time~~
22 ~~schedule for correction of the deficiencies. Retention of the conditional license,~~
23 certification, approval, or registration by an entity shall be conditional on the entity's
24 meeting the requirements of the plan of correction.

SENATE BILL 55**SECTION 1915**

1 **SECTION 1915.** 50.04 (6) (c) of the statutes is renumbered 50.02 (3g) (d) and
2 amended to read:

3 50.02 (3g) (d) ~~Notice. Written~~ The department shall send to an entity written
4 notice of the decision to issue a conditional license ~~shall be sent to the facility,~~
5 certification, approval, or registration, together with the proposed plan of correction.
6 The notice shall inform the ~~facility~~ entity of its right to a case conference under par.
7 (e) prior to issuance of the conditional license ~~under par. (d), certification, approval,~~
8 or registration and of its right under par. (f) to a full hearing ~~under par. (e).~~

9 **SECTION 1916.** 50.04 (6) (d) of the statutes is renumbered 50.02 (3g) (e) and
10 amended to read:

11 50.02 (3g) (e) ~~Case conference.~~ If the ~~facility~~ entity desires to have a case
12 conference it shall, within 4 working days of receipt of the notice under par. ~~(e)~~ (d),
13 send a written request for a case conference to the department. The department
14 shall, within 4 working days from the receipt of the request, hold a case conference
15 in the county in which the ~~facility~~ entity is located. Following this conference the
16 department may affirm or overrule its previous decision, or modify the terms of the
17 conditional license, certification, approval, or registration and plan of correction.
18 The conditional license may be issued ~~department may issue the conditional license,~~
19 certification, approval, or registration after the case conference, or after the time for
20 requesting a case conference has expired, prior to any further hearing.

21 **SECTION 1917.** 50.04 (6) (e) of the statutes is renumbered 50.02 (3g) (f) and
22 amended to read:

23 50.02 (3g) (f) ~~Hearing.~~ If after the case conference the licensee entity desires
24 to contest the basis for issuance of a conditional license, certification, approval, or
25 registration or the terms of the ~~license~~ conditional license, certification, approval, or

SENATE BILL 55**SECTION 1917**

1 ~~registration~~ or plan of correction, the licensee shall send a written request for
2 hearing to the department within 4 working days after issuance of the conditional
3 license. The department shall hold the hearing within 30 days of receipt of such
4 notice and shall immediately notify the licensee of the date and location of the
5 hearing entity is entitled to a hearing under sub. (3m) (e).

6 **SECTION 1918.** 50.04 (6) (f) of the statutes is renumbered 50.02 (3g) (g) and
7 amended to read:

8 50.02 (3g) (g) *Term; inspection.* ~~A conditional license shall be issued~~ The
9 department may issue a conditional license, certification, approval, or registration
10 for a period specified by the department, but in no event for more than ~~one year~~ 12
11 months. The department shall periodically inspect any ~~nursing home~~ entity that is
12 operating under a conditional license, ~~certification, approval, or registration~~. If the
13 department finds substantial failure by the ~~nursing home~~ entity to follow the plan
14 of correction, the ~~conditional license may be revoked~~ department may revoke the
15 conditional license, certification, approval, or registration as provided under s. 50.03
16 ~~(5) sub. (3m) (bm).~~ The licensee entity is entitled to a hearing under sub. (3m) (e) on
17 the revocation ~~under s. 50.03 (5)~~, but the department may rely on facts found in a
18 hearing under par. (e) ~~(f)~~ as grounds for revocation.

19 **SECTION 1919.** 50.04 (6) (g) of the statutes is renumbered 50.02 (3g) (h) and
20 amended to read:

21 50.02 (3g) (h) *Expiration.* If the department determines that a the conditional
22 license, certification, approval, or registration of an entity shall expire without
23 renewal or replacement of the conditional license, certification, approval, or
24 registration by a regular license, certification, approval, or registration, the
25 department shall so notify the licensee entity at least 30 days prior to expiration of

SENATE BILL 55**SECTION 1919**

1 the conditional license, certification, approval, or registration. The notice shall
2 ~~comply with notice requirements under s. 50.03 (5) be written, shall state the~~
3 grounds for the expiration without renewal or replacement and shall explain the
4 process for appealing the expiration without renewal or replacement. The licensee
5 entity is entitled to a hearing under s. 50.03 (5) sub. (3m) (e) prior to expiration of the
6 license conditional license, certification, approval, or registration.

7 **SECTION 1920.** 50.05 (2) (b) of the statutes is amended to read:

8 50.05 (2) (b) The department has ~~suspended or~~ revoked the existing license of
9 the facility.

10 **SECTION 1921.** 50.05 (2) (c) of the statutes is amended to read:

11 50.05 (2) (c) The department has initiated revocation procedures under s. 50.03
12 ~~(5) 50.02 (3m) (bm)~~ and has determined that the lives, health, safety, or welfare of
13 the residents cannot be adequately assured pending a full hearing on license
14 revocation.

15 **SECTION 1922.** 50.053 of the statutes is renumbered 50.02 (3m) (em) and
16 amended to read:

17 50.02 (3m) (em) *Case conference*. The department may hold a case conference
18 with the parties to any contested action under this subchapter chapter to resolve any
19 or all issues prior to formal hearing. Unless any party to the contested case objects,
20 the department may delay the commencement of the formal hearing in order to hold
21 the case conference.

22 **SECTION 1923.** 50.06 (7) of the statutes is amended to read:

23 50.06 (7) An individual who consents to an admission under this section may
24 request that an assessment be conducted for the incapacitated individual under the
25 long-term support community options program under s. 46.27 (6) or, if the secretary

SENATE BILL 55**SECTION 1923**

1 has certified under s. 46.281 (3) (a) that a resource center is available for the
2 individual, a functional screening and financial ~~screen~~ eligibility and cost-sharing
3 screening to determine eligibility for the family care benefit under s. 46.286 (1). If
4 admission is sought on behalf of the incapacitated individual or if the incapacitated
5 individual is about to be admitted on a private pay basis, the individual who consents
6 to the admission may waive the requirement for a financial ~~screen~~ eligibility and
7 cost-sharing screening under s. 46.283 (4) ~~(g)~~ (3m) (c), unless the incapacitated
8 individual is expected to become eligible for medical assistance within 6 months.

9 **SECTION 1924.** 50.09 (6) (d) of the statutes is amended to read:

10 50.09 **(6)** (d) The facility shall attach a statement, which summarizes
11 complaints or allegations of violations of rights established under this section, to the
12 report required under s. 50.03 (4) (c) ~~1. or 2.~~ 2m. or (cm) 2. The statement shall
13 contain the date of the complaint or allegation, the name of the persons involved, the
14 disposition of the matter and the date of disposition. The department shall consider
15 the statement in reviewing the report.

16 **SECTION 1925.** 50.14 (6) of the statutes is repealed.

17 **SECTION 1926.** 50.35 of the statutes is amended to read:

18 **50.35 Application and approval.** Application for approval to maintain a
19 hospital shall be made to the department on forms provided by the department. On
20 receipt of an application, the department shall, except as provided in s. 50.498, issue
21 a certificate of approval if the applicant and hospital facilities meet the requirements
22 established by the department. Except as provided in s. 50.498, this approval shall
23 be in effect until, for just cause ~~and in the manner herein prescribed~~, it is suspended
24 ~~or~~ revoked. The certificate of approval may be issued only for the premises and
25 persons or governmental unit named in the application and is not transferable or

SENATE BILL 55**SECTION 1926**

1 assignable. The department shall withhold, ~~suspend or, under s. 50.02 (3m) (bm),~~
2 revoke approval for a failure to comply with s. 165.40 (6) (a) 1. or 2., but, except as
3 provided in s. 50.498, otherwise may not withhold, ~~suspend or, under s. 50.02 (3m)~~
4 ~~(bm),~~ revoke approval unless for a substantial failure to comply with ss. 50.32 to
5 50.39 or the rules and standards adopted by the department after ~~giving a reasonable~~
6 ~~notice, a fair hearing and a reasonable opportunity to comply.~~ Failure by a hospital
7 to comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply
8 under this section.

9 **SECTION 1927.** 50.36 (2) (c) of the statutes is amended to read:

10 50.36 (2) (c) ~~The department shall promulgate rules that require that a~~
11 ~~hospital, before discharging a patient who is aged 65 or older or who has~~
12 ~~developmental disability or physical disability and whose disability or condition~~
13 ~~requires long-term care that is expected to last at least 90 days, refer the patient to~~
14 ~~the~~ A hospital shall participate in developing and implementing plans required
15 under s. 46.283 (4) (j) for making appropriate referrals of persons likely to be eligible
16 for and to benefit from the family care benefit under s. 46.286 to a resource center
17 under s. 46.283. The rules shall specify that this This requirement applies only if the
18 secretary has certified under s. 46.281 (3) (a) that a resource center is available for
19 the hospital and for specified groups of eligible individuals that include persons
20 seeking admission to or patients of the hospital.

21 **SECTION 1928.** 50.37 (1) of the statutes is amended to read:

22 50.37 (1) ~~Suspended or revoked~~ Revoked the hospital's approval under s. 50.35
23 50.02 (3m) (bm).

24 **SECTION 1929.** 50.38 of the statutes is repealed.

25 **SECTION 1930.** 50.49 (6) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 1930**

1 50.49 (6) (b) A home health agency license is valid until suspended or revoked,
2 except as provided in s. 50.498.

3 **SECTION 1931.** 50.49 (6m) (a) of the statutes is amended to read:

4 50.49 (6m) (a) A care management organization, as defined in s. 46.2805 (1),
5 or an entity with which a care management organization contracts under s. 46.284
6 (4) (d).

7 **SECTION 1932.** 50.49 (7) of the statutes is repealed.

8 **SECTION 1933.** 50.49 (9) of the statutes is repealed.

9 **SECTION 1934.** 50.49 (10) of the statutes is amended to read:

10 50.49 (10) ~~PROVISIONAL PROBATIONARY LICENSES.~~ Except as provided in s. 50.498,
11 a ~~provisional~~ probationary license if approved by the department may be issued to
12 any home health agency, the facilities of which are in use or needed for patients, but
13 which is temporarily unable to conform to all the rules established under this section.
14 A ~~provisional~~ probationary license may not be issued for more than one year.

15 **SECTION 1935.** 50.498 (1) (c) of the statutes is amended to read:

16 50.498 (1) (c) A ~~provisional~~ probationary license under s. 50.49 (10).

17 **SECTION 1936.** 50.498 (1m) of the statutes is amended to read:

18 50.498 (1m) If an individual who applies for a certificate of approval, ~~license~~
19 ~~or provisional license~~ or a license as specified under sub. (1) does not have a social
20 security number, the individual, as a condition of obtaining the certificate of
21 approval, ~~license or provisional~~ or the license, shall submit a statement made or
22 subscribed under oath or affirmation to the department that the applicant does not
23 have a social security number. The form of the statement shall be prescribed by the
24 department of workforce development. A certificate of approval, ~~license or~~

SENATE BILL 55**SECTION 1936**

1 ~~provisional or a~~ license issued in reliance upon a false statement submitted under
2 this subsection is invalid.

3 **SECTION 1937.** 50.498 (3) of the statutes is amended to read:

4 50.498 (3) Except as provided in sub. (1m), the department shall deny an
5 application for the issuance of a certificate of approval, ~~license or provisional or a~~
6 license specified in sub. (1) if the applicant does not provide the information specified
7 in sub. (1).

8 **SECTION 1938.** 50.498 (4) of the statutes is amended to read:

9 50.498 (4) The department shall deny an application for the issuance of a
10 certificate of approval, ~~license or provisional or a~~ license specified in sub. (1) or shall,
11 notwithstanding s. 50.02 (3m) (bm), revoke a certificate of approval, ~~license or~~
12 ~~provisional or a~~ license specified in sub. (1), if the department of revenue certifies
13 under s. 73.0301 that the applicant for or holder of the certificate of approval, ~~license~~
14 ~~or provisional or the~~ license is liable for delinquent taxes.

15 **SECTION 1939.** 50.498 (5) of the statutes is amended to read:

16 50.498 (5) An Notwithstanding s. 50.02 (3m) (e), an action taken under sub. (3)
17 or (4) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

18 **SECTION 1940.** 50.51 (2) (b) of the statutes is amended to read:

19 50.51 (2) (b) Minimum requirements for issuance of a ~~provisional license or a~~
20 ~~regular~~ license to rural medical centers.

21 **SECTION 1941.** 50.52 (2) (intro.) of the statutes is amended to read:

22 50.52 (2) (intro.) The department shall issue a ~~provisional license or a regular~~
23 license as a rural medical center to an applicant if all of the following are first done:

24 **SECTION 1942.** 50.52 (4) of the statutes is amended to read:

SENATE BILL 55**SECTION 1942**

1 50.52 (4) A regular license issued to a rural medical center is valid until it is
2 suspended or revoked. A provisional license issued to a rural medical center is valid
3 for ~~6 months from the date of issuance.~~

4 **SECTION 1943.** 50.55 (1) of the statutes is repealed.

5 **SECTION 1944.** 50.55 (2) (title) of the statutes is repealed and recreated to read:
6 50.55 (2) (title) PENALTY.

7 **SECTION 1945.** 50.925 of the statutes is amended to read:

8 **50.925 Use of name or advertising prohibited.** No entity that is not a
9 hospice licensed or conditionally licensed under this subchapter or an applicant for
10 a license ~~or a provisional license~~ under this subchapter may designate itself as a
11 “hospice” or use the word “hospice” to represent or tend to represent the entity as a
12 hospice or services provided by the entity as services provided by a hospice.

13 **SECTION 1946.** 50.93 (1) (intro.) of the statutes is amended to read:

14 50.93 (1) APPLICATION. (intro.) The application for a license ~~or for a provisional~~
15 license shall:

16 **SECTION 1947.** 50.93 (2) (a) of the statutes is amended to read:

17 50.93 (2) (a) A hospice license is valid until ~~suspended or~~ revoked.

18 **SECTION 1948.** 50.93 (3) of the statutes is amended to read:

19 50.93 (3) ~~PROVISIONAL~~ PROBATIONARY LICENSE. If the applicant has not been
20 previously licensed under this subchapter or if the hospice is not in operation at the
21 time that application is made, the department may issue a ~~provisional~~ probationary
22 license. Unless sooner ~~suspended or~~ revoked under sub. (4), a ~~provisional~~
23 probationary license shall be valid for ~~24~~ 12 months from the date of issuance. Within
24 30 days prior to the termination of a ~~provisional~~ probationary license, the
25 department shall fully and completely inspect the hospice and, if the hospice meets

SENATE BILL 55**SECTION 1948**

1 the applicable requirements for licensure, shall issue a regular license under sub. (2).
2 If the department finds that the hospice does not meet the requirements for
3 licensure, the department may not issue a regular license under sub. (2).

4 **SECTION 1949.** 50.93 (3g) of the statutes is created to read:

5 50.93 (3g) SUBSTANTIAL NONCOMPLIANCE. A hospice that is in substantial
6 noncompliance, as defined by the department by rule under s. 50.95 (7), with a
7 federal statute or regulation or with an applicable provision of this chapter shall
8 demonstrate, including by providing financial or other information requested by the
9 department, that the hospice continues to be fit and qualified, as defined by the
10 department by rule under s. 50.95 (5), to operate.

11 **SECTION 1950.** 50.93 (4) of the statutes is repealed and recreated to read:

12 50.93 (4) EFFECT OF LICENSE INVALIDITY. No state or federal funds passing
13 through the state treasury may be paid to a hospice that does not have a valid license
14 issued under this section.

15 **SECTION 1951.** 50.95 (7) of the statutes is created to read:

16 50.95 (7) The definition of "substantial noncompliance" for the purposes of s.
17 50.93 (3g).

18 **SECTION 1952.** 50.98 (title) and (1) of the statutes are repealed.

19 **SECTION 1953.** 50.98 (2) of the statutes is renumbered 50.02 (3m) (b) 3. and
20 amended to read:

21 50.02 (3m) (b) 3. In determining whether a forfeiture is to be imposed under
22 subd. 1. and in fixing the amount of the forfeiture to be imposed under subd. 2., if any,
23 for a violation, the department shall consider the following factors ~~shall be~~
24 ~~considered~~:

SENATE BILL 55**SECTION 1953**

1 a. The gravity of the violation, including the probability that death or serious
2 physical or psychological harm to a resident or patient will result or has resulted; the
3 severity of the actual or potential harm; and the extent to which the provisions of the
4 applicable statutes or rules were violated.

5 b. Good faith exercised by the licensee entity. Indications of good faith include,
6 but are not limited to, awareness of the applicable statutes and regulation and
7 reasonable diligence in complying with such requirements, prior accomplishments
8 manifesting the licensee's desire to comply with the requirements, efforts to correct
9 and any other mitigating factors in favor of the licensee entity.

10 c. Any previous violations committed by the licensee entity.

11 d. The financial benefit to the hospice entity of committing or continuing the
12 violation.

13 **SECTION 1954.** 50.98 (3) to (6) of the statutes are repealed.

14 **SECTION 1955.** 51.02 (1) (e) of the statutes is renumbered 51.02 (3) and
15 amended to read:

16 51.02 (3) ~~Submit~~ The council on mental health may submit annually to the
17 department, the chief clerk of each house of the legislature, for distribution to the
18 legislature under s. 13.172 (2), and the governor a report on recommended policy
19 changes in the area of mental health.

20 **SECTION 1956.** 51.032 (1) (b) of the statutes is amended to read:

21 51.032 (1) (b) A certification issued under s. 51.04 (2).

22 **SECTION 1957.** 51.032 (1) (e) of the statutes is amended to read:

23 51.032 (1) (e) An approval issued under s. ~~51.45 (8)~~ 51.04 (1).

24 **SECTION 1958.** 51.032 (4) of the statutes is amended to read:

SENATE BILL 55**SECTION 1958**

1 51.032 (4) The department shall deny an application for the issuance of a
2 certification or approval specified in sub. (1) or shall, notwithstanding s. 51.04 (4),
3 revoke a certification or approval specified in sub. (1) if the department of revenue
4 certifies under s. 73.0301 that the applicant for or holder of a certification or approval
5 is liable for delinquent taxes.

6 **SECTION 1959.** 51.032 (5) of the statutes is amended to read:

7 51.032 (5) ~~An~~ Notwithstanding s. 51.04 (4), action taken under sub. (3) or (4)
8 is subject to review only as provided under s. 73.0301 (2) (b) and (5).

9 **SECTION 1960.** 51.04 of the statutes is repealed and recreated to read:

10 **51.04 Treatment facilities. (2) CERTIFICATION.** Except as provided in s.
11 51.032, an approved treatment facility may apply to the department for certification
12 of the facility for the receipt of funds for services provided as a benefit to a medical
13 assistance recipient under s. 49.46 (2) (b) 6. f. or to a community aids funding
14 recipient under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The
15 department shall annually charge a fee for each certification.

16 **(3) CONDITIONAL APPROVAL.** (a) The department may, in addition to assessing
17 forfeitures under sub. (4) (a), issue a conditional approval to any treatment facility
18 if the department finds that a violation by the treatment facility of an applicable
19 provision of this chapter or of a rule promulgated under an applicable provision of
20 this chapter continues to exist.

21 (b) The issuance of a conditional approval to a treatment facility revokes any
22 outstanding approval held under this section by the treatment facility.

23 (c) Prior to the issuance of a conditional approval, the department shall
24 establish a written plan of correction. The plan shall specify the violations that
25 prevent full approval and shall establish a time schedule for correction of the

SENATE BILL 55**SECTION 1960**

1 deficiencies. Retention of the conditional approval by a treatment facility shall be
2 conditional on the treatment facility's meeting the requirements of the plan of
3 correction.

4 (d) The department shall send to a treatment facility written notice of the
5 decision to issue a conditional approval, together with the proposed plan of
6 correction. The notice shall inform the treatment facility of its right to a case
7 conference prior to issuance of the conditional approval and of its right under par. (f)
8 to a hearing.

9 (e) If the treatment facility desires to have a case conference it shall, within 4
10 working days of receipt of the notice under par. (d), send a written request for a case
11 conference to the department. The department shall, within 4 working days from the
12 receipt of the request, hold a case conference in the county in which the treatment
13 facility is located. Following this conference the department may affirm or overrule
14 its previous decision, or modify the terms of the conditional approval and plan of
15 correction. The department may issue the conditional approval after the case
16 conference, or after the time for requesting a case conference has expired, prior to any
17 further hearing.

18 (f) If after the case conference the treatment facility desires to contest the basis
19 for issuance of a conditional approval or the terms of the conditional approval or plan
20 of correction, the treatment facility is entitled to a hearing as specified under sub.
21 (4) (d).

22 (g) The department may issue a conditional approval for a period specified by
23 the department, but in no event for more than 12 months. The department shall
24 periodically inspect any treatment facility that is operating under a conditional
25 approval. If the department finds substantial failure by the treatment facility to

SENATE BILL 55**SECTION 1960**

1 follow the plan of correction, the department may revoke the conditional approval as
2 provided under sub. (4) (b). The treatment facility is entitled to a hearing as specified
3 under sub. (4) (d) on the revocation, but the department may rely on facts found in
4 a hearing under par. (f) as grounds for revocation.

5 (h) If the department determines that the conditional approval of a treatment
6 facility shall expire without renewal or replacement of the conditional approval by
7 an approval under sub. (1), the department shall so notify the treatment facility at
8 least 30 days prior to expiration of the conditional approval. The notice shall be
9 written, shall state the grounds for the expiration without renewal or replacement,
10 and shall explain the process for appealing the expiration without renewal or
11 replacement. The treatment facility is entitled to a hearing as specified under sub.
12 (4) (d) prior to expiration of the conditional approval.

13 **(4) SANCTIONS AND PENALTIES.** (a) If the department provides to a treatment
14 facility written notice of the sanction or penalty, the grounds for the sanction or
15 penalty, an explanation of the types of sanctions or penalties that the department
16 may impose under this subsection, and an explanation of the process for appealing
17 a sanction or penalty imposed under this subsection, the department may impose
18 any of the following against a treatment facility or other person who violates the
19 applicable provisions of this chapter or rules promulgated under the applicable
20 provisions of this chapter:

21 1. A daily forfeiture amount per violation of not less than \$10 nor more than
22 \$2,000 for each violation, with each day of violation constituting a separate offense.
23 All of the following apply to a forfeiture under this subdivision:

24 a. Within the limits specified in this subdivision, the department may, by rule,
25 set daily forfeiture amounts and payment deadlines based on the size of the

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1 treatment facility, the type of the treatment facility, and the seriousness of the
2 violation.

3 b. The department may directly assess a forfeiture imposed under this
4 subdivision by specifying the amount of that forfeiture in the notice provided under
5 this paragraph.

6 c. A treatment facility assessed a forfeiture shall pay the forfeiture to the
7 department within 10 days after receipt of notice of assessment or, if the forfeiture
8 is contested under par. (d), within 10 days after receipt of the final decision after
9 exhaustion of administrative review, unless the final decision is appealed and the
10 order is stayed by court order under sub. (5). The department shall remit all
11 forfeitures paid under this subdivision to the state treasurer for deposit in the school
12 fund.

13 d. The attorney general may bring an action in the name of the state to collect
14 any forfeiture imposed under this subdivision if the forfeiture has not been paid
15 following the exhaustion of all administrative and judicial reviews. The only issue
16 to be contested in any such action shall be whether the forfeiture has been paid.

17 2. Suspension of approval for the treatment facility.

18 3. Revocation of approval or of conditional approval as specified in pars. (b) to
19 (e).

20 (b) Under the procedure specified in par. (c), the department may revoke an
21 approval for a treatment facility for any of the following reasons:

22 1. The department has imposed a sanction or penalty on the treatment facility
23 under par. (a) and the treatment facility continues to violate or resumes violation of
24 an applicable provision of approval or of conditional approval or a rule relating to the
25 treatment facility promulgated under this chapter.

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1 2. The treatment facility or a person under the supervision of the treatment
2 facility has substantially violated a provision of approval applicable to the treatment
3 facility or a rule relating to the treatment facility promulgated under this chapter.

4 3. The treatment facility or a person under the supervision of the treatment
5 facility has acted in relation to or has created a condition relating to the operation
6 or maintenance of the treatment facility that directly threatens the health, safety,
7 or welfare of a patient of the treatment facility.

8 4. The treatment facility or a person under the supervision of the treatment
9 facility has repeatedly violated the same or similar provisions of approval or
10 conditional approval applicable to the treatment facility or rules relating to the
11 treatment facility promulgated under this chapter.

12 (c) 1. The department may revoke an approval or conditional approval for a
13 treatment facility for the reason specified in par. (b) 1., 2., 3., or 4. if the department
14 provides the treatment facility with written notice of revocation, the grounds for the
15 revocation, and an explanation of the process for appealing the revocation, at least
16 30 days before the date of revocation. The department may revoke the approval or
17 conditional approval only if the violation remains substantially uncorrected on the
18 date of revocation or expiration of the approval or conditional approval.

19 2. The department may revoke an approval or conditional approval for a
20 treatment facility for the reason specified in par. (b) 2. or 3. immediately if the
21 department provides the treatment facility with written notice of revocation, the
22 grounds for the revocation, and an explanation of the process for appealing the
23 revocation.

24 3. The department may deny an approval or conditional approval for treatment
25 facility whose approval or conditional approval was revoked under this paragraph.

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1 (d) If a treatment facility desires to contest the suspension or revocation of an
2 approval or conditional approval or the imposition of a sanction or penalty, including
3 an assessment of a forfeiture under par. (a), the treatment facility shall, within 10
4 days after receipt of notice under par. (a), notify the department in writing of its
5 request for a hearing under s. 227.44. The department shall hold a prehearing
6 conference within 30 days after receipt of the notice and shall send notice to the
7 treatment facility of a hearing as provided under s. 227.44 (2).

8 (e) 1. Subject to s. 227.51 (3), revocation shall become effective on the date set
9 by the department in the notice of revocation, upon final action after hearing under
10 ch. 227, or after court action if a stay is granted under sub. (5), whichever is later.

11 2. The department may extend the effective date of revocation of an approval
12 or a conditional approval in any case in order to permit orderly removal and
13 relocation of patients.

14 **(5) JUDICIAL REVIEW.** (a) All administrative remedies shall be exhausted before
15 an agency determination under this chapter is subject to judicial review. Final
16 decisions after hearing are subject to judicial review exclusively as provided in s.
17 227.52, except that a treatment facility shall file any petition for review of
18 department action under this chapter within 15 days after receipt of notice of the
19 final agency determination.

20 (b) The court may stay enforcement under s. 227.54 of the agency's final
21 decision if a showing is made that there is a substantial probability that the party
22 seeking review will prevail on the merits and will suffer irreparable harm if a stay
23 is not granted, and that the treatment facility will meet the applicable requirements
24 of this chapter and the rules promulgated under this chapter during the stay. If a
25 stay is granted, the court may impose such conditions on the granting of the stay as

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1 may be necessary to safeguard the lives, health, rights, safety, and welfare of patients
2 and to assure compliance by the treatment facility with the requirements of this
3 chapter.

4 (c) The attorney general may delegate to the department the authority to
5 represent the state in any action brought to challenge department actions prior to
6 exhaustion of administrative remedies and final disposition by the agency.

7 **SECTION 1961.** 51.06 (1) (intro.) of the statutes is renumbered 51.06 (1) and
8 amended to read:

9 51.06 (1) PURPOSE. The purpose of the northern center for developmentally
10 disabled, central center for developmentally disabled and southern center for
11 developmentally disabled is to provide services needed by developmentally disabled
12 citizens of this state ~~which~~ that are otherwise unavailable to them, and to return
13 ~~such~~ those persons to the community when their needs can be met at the local level.
14 ~~Services to be provided by the department at such centers shall include:~~

15 **SECTION 1962.** 51.06 (1) (a) to (d) of the statutes are renumbered 51.06 (1m) (a)
16 to (d), and 51.06 (1m) (d), as renumbered, is amended to read:

17 51.06 (1m) (d) Services for up to ~~36~~ 50 individuals with developmental
18 disability who are also diagnosed as mentally ill or who exhibit extremely aggressive
19 and challenging behaviors.

20 **SECTION 1963.** 51.06 (1m) (intro.) of the statutes is created to read:

21 51.06 (1m) SERVICES. (intro.) Services to be provided by the department at
22 centers for the developmentally disabled shall include:

23 **SECTION 1964.** 51.06 (1r) of the statutes is created to read:

24 51.06 (1r) ALTERNATIVE SERVICES. (a) In addition to services provided under
25 sub. (1m), the department may, when the department determines that community

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1 services need to be supplemented, authorize a center for the developmentally
2 disabled to offer short-term residential services, dental and mental health services,
3 physical therapy, psychiatric and psychological services, general medical services,
4 pharmacy services, and orthotics.

5 (b) Services under this subsection may be provided only under contract
6 between the department and a county department under s. 46.215, 46.22, 46.23,
7 51.42, or 51.437, a school district, or another public or private entity within the state
8 to persons referred from those entities, at the discretion of the department. The
9 department shall charge the referring entity all costs associated with providing the
10 services. Unless a referral is made, the department may not offer services under this
11 subsection to the person who is to receive the services or to his or her family. The
12 department may not impose a charge for services under this subsection upon the
13 person receiving the services or upon his or her family. Any revenues received under
14 this subsection shall be credited to the appropriation account under s. 20.435 (2) (g).

15 (c) 1. Services under this subsection are governed by subchapter XVI of ch. 48
16 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)
17 (b), and 51.61, for the application of which the services shall be considered to be
18 provided by a private entity, by rules promulgated under those statutes, and by the
19 terms of the contract between the department, except that, in the event of a conflict
20 between the contractual terms and the statutes or rules, the services shall comply
21 with the contractual, statutory, or rules provision that is most protective of the
22 service recipient's health, safety, welfare, or rights.

23 2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and
24 zoning or other ordinances or regulations of the county, city, town, or village in which

SENATE BILL 55**SECTION 1964**

1 the services are provided or the facility is located do not apply to the services under
2 this subsection.

3 3. The department may not be required, by court order or otherwise, to offer
4 services under this subsection.

5 (d) A residential facility operated by a center for the developmentally disabled
6 that is authorized by the department under this subsection may not be considered
7 to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment
8 facility, or a treatment facility.

9 **SECTION 1965.** 51.08 of the statutes is amended to read:

10 **51.08 Milwaukee County Mental Health Complex.** Any county having a
11 population of 500,000 or more may, pursuant to s. 46.17, establish and maintain a
12 county mental health complex. The county mental health complex shall be a hospital
13 devoted to the detention and care of drug addicts, alcoholics, chronic patients, and
14 mentally ill persons whose mental illness is acute. ~~Such~~ The hospital shall be
15 governed ~~pursuant to~~ under s. 46.21. Treatment of alcoholics at the county mental
16 health complex is subject to approval by the department under s. ~~51.45 (8)~~ 51.04 (1).
17 The county mental health complex established ~~pursuant to~~ under this section is
18 subject to rules promulgated by the department concerning hospital standards.

19 **SECTION 1966.** 51.09 of the statutes is amended to read:

20 **51.09 County hospitals.** Any county having a population of less than 500,000
21 may establish a hospital or facilities for the detention and care of mentally ill
22 persons, alcoholics, and drug addicts; and in connection therewith a hospital or
23 facility for the care of ~~eases~~ persons afflicted with pulmonary tuberculosis. County
24 hospitals established ~~pursuant to~~ under this section are subject to rules promulgated

SENATE BILL 55**SECTION 1966**

1 by the department concerning hospital standards, including standards for alcoholic
2 treatment facilities under s. ~~51.45 (8)~~ 51.04 (1).

3 **SECTION 1967.** 51.30 (10) (b) of the statutes is amended to read:

4 51.30 (10) (b) ~~Whoever~~ Notwithstanding s. 51.04 (4) (a), whoever negligently
5 discloses confidential information under this section is subject to a forfeiture of not
6 more than \$1,000 for each violation.

7 **SECTION 1968.** 51.42 (3) (ar) 4m. of the statutes is amended to read:

8 51.42 (3) (ar) 4m. If state, federal, and county funding for alcohol and other
9 drug abuse treatment services provided under subd. 4. are insufficient to meet the
10 needs of all eligible individuals, ensure that first priority for services is given to
11 pregnant women who suffer from alcoholism or alcohol abuse or are drug dependent
12 and that second priority be given to independent foster care adolescents, as defined
13 in 42 USC 1396d (w) (1).

14 **SECTION 1969.** 51.42 (3) (ar) 4p. of the statutes is created to read:

15 51.42 (3) (ar) 4p. If state, federal, and county funding for mental health services
16 provided under subd. 4. are insufficient to meet the needs of all eligible individuals,
17 ensure that first priority for services is given to independent foster care adolescents,
18 as defined in 42 USC 1396d (w) (1).

19 **SECTION 1970.** 51.42 (3) (as) 1. of the statutes is amended to read:

20 51.42 (3) (as) 1. A county department of community programs shall authorize
21 all care of any patient in a state, local or private facility under a contractual
22 agreement between the county department of community programs and the facility,
23 unless the county department of community programs governs the facility. The need
24 for inpatient care shall be determined by the program director or designee in
25 consultation with and upon the recommendation of a licensed physician trained in

SENATE BILL 55**SECTION 1970**

1 psychiatry and employed by the county department of community programs or its
2 contract agency. In cases of emergency, a facility under contract with any county
3 department of community programs shall charge the county department of
4 community programs having jurisdiction in the county where the patient is found.
5 The county department of community programs shall reimburse the facility for the
6 actual cost of all authorized care and services less applicable collections under s.
7 46.036, unless the department of health and family services determines that a
8 charge is administratively infeasible, or unless the department of health and family
9 services, after individual review, determines that the charge is not attributable to the
10 cost of basic care and services. ~~A~~ Except as provided in subd. 1m., a county
11 department of community programs may not reimburse any state institution or
12 receive credit for collections for care received therein by nonresidents of this state,
13 interstate compact clients, transfers under s. 51.35 (3), and transfers from Wisconsin
14 state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977 stats., or s.
15 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s. 975.17, 1977
16 stats., or children placed in the guardianship of the department of health and family
17 services under s. 48.427 or 48.43 or under the supervision of the department of
18 corrections under s. 938.183 or 938.355. The exclusionary provisions of s. 46.03 (18)
19 do not apply to direct and indirect costs which are attributable to care and treatment
20 of the client.

21 **SECTION 1971.** 51.42 (3) (as) 1m. of the statutes is created to read:

22 51.42 **(3)** (as) 1m. A county department of community programs shall
23 reimburse a mental health institute at the institute's daily rate for custody of any
24 county resident examined at the mental health institute under s. 971.14 (2) for all
25 days that the person remains in custody at the mental health institute, beginning

SENATE BILL 55**SECTION 1971**

1 48 hours, not including Saturdays, Sundays, and legal holidays, after the sheriff and
2 county department receive notice under s. 971.14 (2) (d) that the examination has
3 been completed.

4 **SECTION 1972.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

5 51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities
6 services for services provided under s. 51.06 (1) (1m) (d) to individuals who are
7 eligible for medical assistance that are not provided by the federal government, using
8 the procedure established under subd. 1.

9 **SECTION 1973.** 51.437 (14) (i) of the statutes is repealed.

10 **SECTION 1974.** 51.437 (14p) (a) of the statutes is amended to read:

11 51.437 (14p) (a) *Requirement Optional requirement*. By December 1, 1991, and
12 every 5 years thereafter, the department shall ~~submit~~ may develop a state
13 developmental disabilities services plan for the next 5 years. ~~The plan shall be~~
14 updated and may update the plan biennially. ~~The plan and plan updates shall be~~
15 ~~submitted to the governor, the standing committees with jurisdiction over~~
16 ~~developmental disabilities issues in each house of the legislature and the joint~~
17 ~~committee on finance.~~

18 **SECTION 1975.** 51.437 (14p) (b) (intro.) of the statutes is amended to read:

19 51.437 (14p) (b) *Plan objectives*. (intro.) ~~The Any~~ plan under this subsection
20 shall may be developed and implemented so as to achieve all of the following
21 objectives:

22 **SECTION 1976.** 51.437 (14p) (c) (intro.) of the statutes is amended to read:

23 51.437 (14p) (c) *Plan content*. (intro.) ~~The Any~~ plan ~~required~~ developed under
24 this subsection shall may include:

25 **SECTION 1977.** 51.437 (14p) (d) of the statutes is amended to read:

SENATE BILL 55**SECTION 1977**

1 51.437 (14p) (d) *Participation of council.* The department, in formulating the
2 plan under this subsection, shall may consider the comments and recommendations
3 of the Wisconsin council on developmental disabilities.

4 **SECTION 1978.** 51.437 (14p) (f) 1. of the statutes is amended to read:

5 51.437 (14p) (f) 1. Copies of the any proposed state plan, and any proposed
6 biennial updates to the plan, shall may be made reasonably available to the public
7 in order to allow sufficient time for public review and comments.

8 **SECTION 1979.** 51.437 (14p) (f) 2. of the statutes is amended to read:

9 51.437 (14p) (f) 2. Copies of the final state plan and biennial updates to the plan
10 shall may be submitted to the governor, the standing committees with jurisdiction
11 over developmental disabilities issues in each house of the legislature, and the joint
12 committee on finance and. Copies of the plan and updates shall be made available
13 to the public.

14 **SECTION 1980.** 51.437 (14r) (title) of the statutes is amended to read:

15 51.437 (14r) (title) DUTIES ACTIVITIES OF THE COUNCIL ON DEVELOPMENTAL
16 DISABILITIES.

17 **SECTION 1981.** 51.437 (14r) (a) 2. (intro.) of the statutes is renumbered 51.437
18 (14r) (c) (intro.) and amended to read:

19 51.437 (14r) (c) (intro.) ~~Perform~~ The council on developmental disabilities may
20 perform the following responsibilities related to the any state plan developed under
21 sub. (14p) for the delivery of services, including the construction of facilities:

22 **SECTION 1982.** 51.437 (14r) (a) 2. a. and b. of the statutes are renumbered
23 51.437 (14r) (c) 1. and 2.

24 **SECTION 1983.** 51.44 (5) (c) of the statutes is renumbered 51.44 (6) and
25 amended to read:

SENATE BILL 55**SECTION 1983**

1 51.44 (6) Annually, the department may submit to the chief clerk of each house
2 of the legislature for distribution to the legislature under s. 13.172 (2) a report on the
3 department's progress toward full implementation of the program under this section,
4 including the progress of counties in implementing goals for participation in
5 5th-year requirements under 20 USC 1476.

6 **SECTION 1984.** 51.45 (2) (b) of the statutes is amended to read:

7 51.45 (2) (b) "Approved private treatment facility" means a private agency
8 meeting the standards ~~prescribed in sub. (8) (a) of,~~ and approved under ~~sub. (8) (c),~~
9 s. 51.04 (1).

10 **SECTION 1985.** 51.45 (2) (c) of the statutes is amended to read:

11 51.45 (2) (c) "Approved public treatment facility" means a treatment agency
12 operating under the direction and control of the department or providing treatment
13 under this section through a contract with the department under sub. (7) (g) or with
14 the county department under s. 51.42 (3) (ar) 2., and meeting the standards
15 ~~prescribed in sub. (8) (a) of,~~ and approved under ~~sub. (8) (c),~~ s. 51.04 (1).

16 **SECTION 1986.** 51.45 (4) (p) of the statutes is renumbered 51.45 (4m) and
17 amended to read:

18 51.45 (4m) REPORT. ~~Submit~~ The department may submit to the governor or the
19 state health planning and development agency under P.L. 93-641, as amended, an
20 annual report covering the activities of the department relating to treatment of
21 alcoholism.

22 **SECTION 1987.** 51.45 (8) (title) of the statutes is renumbered 51.04 (1) (title) and
23 amended to read:

24 51.04 (1) (title) ~~STANDARDS FOR PUBLIC AND PRIVATE TREATMENT FACILITIES;~~
25 ~~ENFORCEMENT PROCEDURES~~ APPROVAL.

SENATE BILL 55**SECTION 1988**

1 **SECTION 1988.** 51.45 (8) (a) of the statutes is renumbered 51.04 (1) (a) and
2 amended to read:

3 51.04 (1) (a) The department shall establish minimum standards for ~~approved~~
4 ~~treatment facilities that must be met for a treatment facility to be approved as a~~
5 ~~public or private treatment facility approval~~, except as provided in s. 51.032, of public
6 and private treatment facilities and ~~fix~~ shall specify the fees to be charged by the
7 department for the required inspections. The standards may concern only the health
8 standards to be met and standards of treatment to be afforded patients and shall
9 distinguish between facilities rendering different modes of treatment. In setting
10 standards, the department shall consider the residents' needs and abilities, the
11 services to be provided by the facility, and the relationship between the physical
12 structure and the objectives of the program. Nothing in this subsection shall may
13 be construed to prevent county departments from establishing reasonable higher
14 standards.

15 **SECTION 1989.** 51.45 (8) (b) of the statutes is renumbered 51.04 (1) (b).

16 **SECTION 1990.** 51.45 (8) (c) of the statutes is renumbered 51.04 (1) (c) and
17 amended to read:

18 51.04 (1) (c) ~~Approval of a No treatment facility must be secured that is not~~
19 ~~approved under this section before application subsection may apply for a~~
20 ~~grant-in-aid for such facility under s. 51.423 or before treatment in any facility is~~
21 ~~rendered render treatment to patients.~~

22 **SECTION 1991.** 51.45 (8) (d) of the statutes is renumbered 51.04 (1) (d) and
23 amended to read:

24 51.04 (1) (d) ~~Each An approved public and private treatment facility shall file~~
25 with the department on request, data, statistics, schedules and information the

SENATE BILL 55**SECTION 1991**

1 department reasonably requires, including any data or information specified under
2 s. 46.973 (2m). ~~An approved public or private~~ The approval of a treatment facility
3 that without good cause fails to furnish any data, statistics, schedules or information
4 as requested, or files fraudulent returns thereof, ~~shall be removed from the list of~~
5 approved treatment facilities, is subject to revocation.

6 **SECTION 1992.** 51.45 (8) (e) of the statutes is repealed.

7 **SECTION 1993.** 51.45 (8) (f) of the statutes is repealed.

8 **SECTION 1994.** 59.05 (2) of the statutes is amended to read:

9 59.05 (2) If two-fifths of the legal voters of any county, to be determined by the
10 registration or poll lists of the last previous general election held in the county, the
11 names of which voters shall appear on some one of the registration or poll lists of such
12 election, present to the board a petition conforming to the requirements of s. 8.40
13 asking for a change of the county seat to some other place designated in the petition,
14 the board shall submit the question of removal of the county seat to a vote of the
15 qualified voters of the county. The board shall file the question as provided in s. 8.37.
16 The election shall be held only on the day of the general election, notice of the election
17 shall be given and the election shall be conducted as in the case of the election of
18 officers on that day, and the votes shall be canvassed, certified and returned in the
19 same manner as other votes at that election. The question to be submitted shall be
20 "Shall the county seat of county be removed to?"

21 **SECTION 1995.** 59.22 (2) (c) 2. of the statutes is amended to read:

22 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
23 rules of the department of health and family services under s. 49.33 (4) to (7) relating
24 to employees administering old-age assistance, aid to families with dependent

SENATE BILL 55**SECTION 1995**

1 children, aid to the blind and aid to totally and permanently disabled persons or ss.
2 63.01 to 63.17.

3 **SECTION 1996.** 59.25 (3) (f) 2. of the statutes is amended to read:

4 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
5 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
6 assessment surcharge, the amounts required by s. 165.87 (1) for the law enforcement
7 training fund assessment, the amounts required by s. 165.755 for the crime
8 laboratories and drug law enforcement assessment, the amounts required by s.
9 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the
10 crime victim and witness assistance surcharge, the amounts required by s. 938.34
11 (8d) for the delinquency victim and witness assistance surcharge, the amounts
12 required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts
13 required by s. 961.41 (5) for the drug abuse program improvement surcharge, the
14 amounts required by s. 100.261 for the consumer information protection assessment,
15 the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the
16 domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the
17 enforcement assessment under the supplemental food program for women, infants
18 and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the
19 railroad crossing improvement assessment, the amounts required by s. 346.655 (2)
20 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85
21 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the
22 environmental assessment, the amounts required by s. 29.983 for the wild animal
23 protection assessment, the amounts required by s. 29.987 for the natural resources
24 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter
25 removal assessment, the amounts required by s. 350.115 for the snowmobile

SENATE BILL 55**SECTION 1996**

1 registration restitution payment, and the amounts required by s. 29.989 for natural
2 resources restitution payments, transmit to the state treasurer a statement of all
3 moneys required by law to be paid on the actions entered during the preceding month
4 on or before the first day of the next succeeding month, certified by the county
5 treasurer's personal signature affixed or attached thereto, and at the same time pay
6 to the state treasurer the amount thereof.

7 **SECTION 1997.** 59.40 (2) (m) of the statutes is amended to read:

8 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
9 percentage of the fees required to be paid on each civil action, criminal action and
10 special proceeding filed during the preceding month and pay monthly to the
11 treasurer for the use of the state the percentage of court imposed fines and forfeitures
12 required by law to be deposited in the state treasury, the amounts required by s.
13 757.05 for the penalty assessment surcharge, the amounts required by s. 165.87 (1)
14 for the law enforcement training fund assessment, the amounts required by s.
15 165.755 for the crime laboratories and drug law enforcement assessment, the
16 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
17 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
18 required by s. 938.34 (8d) for the delinquency victim and witness assistance
19 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
20 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
21 improvement surcharge, the amounts required by s. 100.261 for the consumer
22 information protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1.
23 or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts
24 required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental
25 food program for women, infants and children, the amounts required by ss. 346.177,

SENATE BILL 55**SECTION 1997**

1 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
2 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
3 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
4 required by s. 299.93 for the environmental assessment, the amounts required under
5 s. 29.983 for the wild animal protection assessment, the amounts required under s.
6 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
7 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
8 350.115 for the snowmobile registration restitution payment, and the amounts
9 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
10 payments shall be made by the 15th day of the month following receipt thereof.

11 **SECTION 1998.** 59.43 (1) (u) of the statutes, as affected by 1997 Wisconsin Act
12 27, is repealed and recreated to read:

13 59.43 (1) (u) Submit that portion of recording fees collected under sub. (2) (ag)
14 1. and (e) and not retained by the county to the department of administration under
15 s. 59.72 (5).

16 **SECTION 1999.** 59.43 (2) (ag) 1. of the statutes, as affected by 1997 Wisconsin
17 Act 27, is repealed and recreated to read:

18 59.43 (2) (ag) 1. After June 30, 1991, and subject to s. 59.72 (5), for recording
19 any instrument entitled to be recorded in the office of the register of deeds, \$11 for
20 the first page and \$2 for each additional page, except that no fee may be collected for
21 recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b).

22 **SECTION 2000.** 59.43 (2) (b) of the statutes is amended to read:

23 59.43 (2) (b) For copies of any records or papers, \$2 for the first page plus \$1
24 for each additional page, plus ~~25 cents~~ \$1 for the certificate of the register of deeds,
25 except that the department of revenue is exempt from the fees under this paragraph.

SENATE BILL 55**SECTION 2001**

1 **SECTION 2001.** 59.43 (2) (e) of the statutes, as affected by 1997 Wisconsin Act
2 27, is repealed and recreated to read:

3 59.43 **(2)** (e) After June 30, 1991, and subject to s. 59.72 (5), for filing any
4 instrument which is entitled to be filed in the office of register of deeds and for which
5 no other specific fee is specified, \$11 for the first page and \$2 for each additional page.

6 **SECTION 2002.** 59.54 (12) of the statutes is amended to read:

7 59.54 **(12)** COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
8 of a resolution, a board may enter into an agreement and seek funding under s.
9 ~~165.90~~ 16.964 (7).

10 **SECTION 2003.** 59.72 of the statutes, as affected by 1997 Wisconsin Act 27, is
11 repealed and recreated to read:

12 **59.72 Land information. (1) DEFINITIONS.** In this section:

13 (a) "Land information" has the meaning given in s. 16.967 (1) (b).

14 (am) "Land information system" has the meaning given in s. 16.967 (1) (c).

15 (b) "Land records" has the meaning given in s. 16.967 (1) (d).

16 (c) "Local governmental unit" means a municipality, regional planning
17 commission, special purpose district, or local governmental association, authority,
18 board, commission, department, independent agency, institution, or office.

19 **(3) LAND INFORMATION OFFICE.** The board may establish a county land
20 information office or may direct that the functions and duties of the office be
21 performed by an existing department, board, commission, agency, institution,
22 authority, or office. If the board establishes a county land information office, the
23 office shall:

SENATE BILL 55**SECTION 2003**

1 (a) Coordinate land information projects within the county, between the county
2 and local governmental units, between the state and local governmental units, and
3 among local governmental units, the federal government, and the private sector.

4 (b) Within 2 years after the land information office is established, develop and
5 receive approval for a countywide plan for land records modernization. The plan
6 shall be submitted for approval to the department of administration under s. 16.967
7 (3) (e).

8 (c) Review and recommend projects from local governmental units for grants
9 from the department of administration under s. 16.967 (7).

10 **(4) AID TO COUNTIES.** A board that has established a land information office
11 under sub. (3) may apply to the department of administration for a grant for a land
12 information project under s. 16.967 (7).

13 **(5) LAND RECORD MODERNIZATION FUNDING.** (a) Before the 16th day of each month
14 a register of deeds shall submit to the department of administration \$7 from the fee
15 for recording the first page of each instrument that is recorded under s. 59.43 (2) (ag)
16 1. and (e), less any amount retained by the county under par. (b).

17 (b) A county may retain \$5 of the \$7 submitted under par. (a) from the fee for
18 recording the first page of each instrument that is recorded under s. 59.43 (2) (ag) 1.
19 and (e) if all of the following conditions are met:

20 1. The county has established a land information office under sub. (3).

21 2. A land information office has been established for less than 2 years or has
22 received approval for a countywide plan for land records modernization under sub.
23 (3) (b).

24 3. The county uses the fees retained under this paragraph to develop,
25 implement and maintain the countywide plan for land records modernization.

SENATE BILL 55**SECTION 2004**

1 **SECTION 2004.** 62.50 (23m) of the statutes is repealed.

2 **SECTION 2005.** 66.0113 (1) (b) 7. c. of the statutes is amended to read:

3 66.0113 (1) (b) 7. c. That, if the alleged violator makes a cash deposit and does
4 not appear in court, he or she either will be deemed to have tendered a plea of no
5 contest and submitted to a forfeiture, a penalty assessment imposed by s. 757.05, a
6 law enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment
7 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
8 imposed by s. 165.755, any applicable consumer information protection assessment
9 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
10 973.055 (1) not to exceed the amount of the deposit or will be summoned into court
11 to answer the complaint if the court does not accept the plea of no contest.

12 **SECTION 2006.** 66.0113 (1) (b) 7. d. of the statutes is amended to read:

13 66.0113 (1) (b) 7. d. That, if the alleged violator does not make a cash deposit
14 and does not appear in court at the time specified, the court may issue a summons
15 or a warrant for the defendant's arrest or consider the nonappearance to be a plea
16 of no contest and enter judgment under sub. (3) (d), or the municipality may
17 commence an action against the alleged violator to collect the forfeiture, the penalty
18 assessment imposed by s. 757.05, the law enforcement training fund assessment
19 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
20 laboratories and drug law enforcement assessment imposed by s. 165.755, any
21 applicable consumer information protection assessment imposed by s. 100.261, and
22 any applicable domestic abuse assessment imposed by s. 973.055 (1).

23 **SECTION 2007.** 66.0113 (1) (c) of the statutes is amended to read:

24 66.0113 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of
25 cash deposits that are to be required for the various ordinance violations, and for the

SENATE BILL 55**SECTION 2007**

1 penalty assessment imposed by s. 757.05, the law enforcement training fund
2 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
3 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
4 applicable consumer information protection assessment imposed by s. 100.261, and
5 any applicable domestic abuse assessment imposed by s. 973.055 (1), for which a
6 citation may be issued. The ordinance shall also specify the court, clerk of court or
7 other official to whom cash deposits are to be made and shall require that receipts
8 be given for cash deposits.

9 **SECTION 2008.** 66.0113 (3) (a) of the statutes is amended to read:

10 66.0113 (3) (a) The person named as the alleged violator in a citation may
11 appear in court at the time specified in the citation or may mail or deliver personally
12 a cash deposit in the amount, within the time and to the court, clerk of court or other
13 official specified in the citation. If a person makes a cash deposit, the person may
14 nevertheless appear in court at the time specified in the citation, but the cash deposit
15 may be retained for application against any forfeiture, restitution, penalty
16 assessment, law enforcement training fund assessment, jail assessment, crime
17 laboratories and drug law enforcement assessment, consumer information
18 protection assessment, or domestic abuse assessment that may be imposed.

19 **SECTION 2009.** 66.0113 (3) (b) of the statutes is amended to read:

20 66.0113 (3) (b) If a person appears in court in response to a citation, the citation
21 may be used as the initial pleading, unless the court directs that a formal complaint
22 be made, and the appearance confers personal jurisdiction over the person. The
23 person may plead guilty, no contest or not guilty. If the person pleads guilty or no
24 contest, the court shall accept the plea, enter a judgment of guilty and impose a
25 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement

SENATE BILL 55**SECTION 2009**

1 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by
2 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
3 by s. 165.755, any applicable consumer ~~information~~ protection assessment imposed
4 by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055
5 (1). If the court finds that the violation meets the conditions in s. 800.093 (1), the
6 court may order restitution under s. 800.093. A plea of not guilty shall put all matters
7 in the case at issue, and the matter shall be set for trial.

8 **SECTION 2010.** 66.0113 (3) (c) of the statutes is amended to read:

9 66.0113 (3) (c) If the alleged violator makes a cash deposit and fails to appear
10 in court, the citation may serve as the initial pleading and the violator shall be
11 considered to have tendered a plea of no contest and submitted to a forfeiture, the
12 penalty assessment imposed by s. 757.05, the law enforcement training fund
13 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
14 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
15 applicable consumer ~~information~~ protection assessment imposed by s. 100.261, and
16 any applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding
17 the amount of the deposit. The court may either accept the plea of no contest and
18 enter judgment accordingly or reject the plea. If the court finds the violation meets
19 the conditions in s. 800.093 (1), the court may summon the alleged violator into court
20 to determine if restitution shall be ordered under s. 800.093. If the court accepts the
21 plea of no contest, the defendant may move within 10 days after the date set for the
22 appearance to withdraw the plea of no contest, open the judgment, and enter a plea
23 of not guilty if the defendant shows to the satisfaction of the court that the failure
24 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If the
25 plea of no contest is accepted and not subsequently changed to a plea of not guilty,

SENATE BILL 55**SECTION 2010**

1 no costs or fees may be taxed against the violator, but a penalty assessment, a law
2 enforcement training fund assessment, a jail assessment, a crime laboratories and
3 drug law enforcement assessment and, if applicable, a consumer ~~information~~
4 protection assessment or a domestic abuse assessment shall be assessed. If the court
5 rejects the plea of no contest, an action for collection of the forfeiture, penalty
6 assessment, law enforcement training fund assessment, jail assessment, crime
7 laboratories and drug law enforcement assessment, any applicable consumer
8 ~~information~~ protection assessment, and any applicable domestic abuse assessment
9 may be commenced. A city, village, town sanitary district, or public inland lake
10 protection and rehabilitation district may commence action under s. 66.0114 (1) and
11 a county or town may commence action under s. 778.10. The citation may be used
12 as the complaint in the action for the collection of the forfeiture, penalty assessment,
13 law enforcement training fund assessment, jail assessment, crime laboratories and
14 drug law enforcement assessment, any applicable consumer ~~information~~ protection
15 assessment, and any applicable domestic abuse assessment.

16 **SECTION 2011.** 66.0113 (3) (d) of the statutes is amended to read:

17 66.0113 (3) (d) If the alleged violator does not make a cash deposit and fails to
18 appear in court at the time specified in the citation, the court may issue a summons
19 or warrant for the defendant's arrest or consider the nonappearance to be a plea of
20 no contest and enter judgment accordingly if service was completed as provided
21 under par. (e) or the county, town, city, village, town sanitary district, or public inland
22 lake protection and rehabilitation district may commence an action for collection of
23 the forfeiture, penalty assessment, law enforcement training fund assessment, jail
24 assessment, and crime laboratories and drug law enforcement assessment, any
25 applicable consumer ~~information~~ protection assessment, and any applicable

SENATE BILL 55**SECTION 2011**

1 domestic abuse assessment. A city, village, town sanitary district, or public inland
2 lake protection and rehabilitation district may commence action under s. 66.0114 (1)
3 and a county or town may commence action under s. 778.10. The citation may be used
4 as the complaint in the action for the collection of the forfeiture, penalty assessment,
5 law enforcement training fund assessment, jail assessment, and crime laboratories
6 and drug law enforcement assessment, any applicable consumer ~~information~~
7 protection assessment, and any applicable domestic abuse assessment. If the court
8 considers the nonappearance to be a plea of no contest and enters judgment
9 accordingly, the court shall promptly mail a copy or notice of the judgment to the
10 defendant. The judgment shall allow the defendant not less than 20 days from the
11 date of the judgment to pay any forfeiture, penalty assessment, law enforcement
12 training assessment, jail assessment, and crime laboratories and drug law
13 enforcement assessment, any applicable consumer ~~information~~ protection
14 assessment, and any applicable domestic abuse assessment imposed. If the
15 defendant moves to open the judgment within 6 months after the court appearance
16 date fixed in the citation, and shows to the satisfaction of the court that the failure
17 to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court
18 shall reopen the judgment, accept a not guilty plea and set a trial date.

19 **SECTION 2012.** 66.0114 (1) (b) of the statutes is amended to read:

20 66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss.
21 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
22 or all violations under those ordinances, may designate the manner in which the
23 stipulation is to be made and may fix the penalty to be paid. When a person charged
24 with a violation for which stipulation of guilt or no contest is authorized makes a
25 timely stipulation, pays the required penalty and pays the penalty assessment

SENATE BILL 55**SECTION 2012**

1 imposed by s. 757.05, the law enforcement training fund assessment imposed by s.
2 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and
3 drug law enforcement assessment imposed by s. 165.755, any applicable consumer
4 ~~information~~ protection assessment imposed by s. 100.261, and any applicable
5 domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the
6 person need not appear in court and no witness fees or other additional costs may be
7 taxed unless the local ordinance so provides. A court appearance is required for a
8 violation of a local ordinance in conformity with s. 346.63 (1).

9 **SECTION 2013.** 66.0114 (1) (bm) of the statutes is amended to read:

10 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys
11 collected to the treasurer of the city, village, town sanitary district, or public inland
12 lake protection and rehabilitation district in whose behalf the sum was paid, except
13 that all jail assessments shall be remitted to the county treasurer, within 20 days
14 after its receipt by the official. If timely remittance is not made, the treasurer may
15 collect the payment of the officer by action, in the name of the office, and upon the
16 official bond of the officer, with interest at the rate of 12% per year from the date on
17 which it was due. In the case of the penalty assessment imposed by s. 757.05, the
18 law enforcement training fund assessment imposed by s. 165.87 (1), the crime
19 laboratories and drug law enforcement assessment imposed by s. 165.755, the driver
20 improvement surcharge imposed by s. 346.655 (1), any applicable consumer
21 ~~information~~ protection assessment imposed by s. 100.261, and any applicable
22 domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city,
23 village, town sanitary district, or public inland lake protection and rehabilitation
24 district shall remit to the state treasurer the amount required by law to be paid on
25 the actions entered during the preceding month on or before the first day of the next

SENATE BILL 55**SECTION 2013**

1 succeeding month. The governing body of the city, village, town sanitary district, or
2 public inland lake protection and rehabilitation district shall by ordinance designate
3 the official to receive the penalties and the terms under which the official qualifies.

4 **SECTION 2014.** 66.0114 (3) (b) of the statutes is amended to read:

5 66.0114 (3) (b) All forfeitures and penalties recovered for the violation of an
6 ordinance or bylaw of a city, village, town, town sanitary district, or public inland
7 lake protection and rehabilitation district shall be paid into the city, village, town,
8 town sanitary district, or public inland lake protection and rehabilitation district
9 treasury for the use of the city, village, town, town sanitary district, or public inland
10 lake protection and rehabilitation district, except as provided in par. (c), and sub. (1)
11 (bm) ~~and s. 757.05~~. The judge shall report and pay into the treasury, quarterly, or
12 at more frequent intervals if required, all moneys collected belonging to the city,
13 village, town, town sanitary district, or public inland lake protection and
14 rehabilitation district. The report shall be certified and filed in the office of the
15 treasurer. The judge is entitled to duplicate receipts, one of which he or she shall file
16 with the city, village, or town clerk, or with the town sanitary district or the public
17 inland lake protection and rehabilitation district.

18 **SECTION 2015.** 66.0203 (8) (b) of the statutes is amended to read:

19 66.0203 (8) (b) On the basis of the hearing the circuit court shall find if the
20 standards under s. 66.0205 are met. If the court finds that the standards are not met,
21 the court shall dismiss the petition. If the court finds that the standards are met the
22 court shall refer the petition to the department and, Upon payment of any fee
23 imposed under s. 16.53 (14), the department shall determine whether the standards
24 under s. 66.0207 are met.

25 **SECTION 2016.** 66.0203 (9) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 2016**

1 66.0203 (9) (a) Upon receipt of the petition from the circuit court and payment
2 of any fee imposed under s. 16.53 (14), the department shall make any necessary
3 investigation to apply the standards under s. 66.0207.

4 **SECTION 2017.** 66.0203 (9) (b) of the statutes is amended to read:

5 66.0203 (9) (b) Within 20 days after the receipt by the department of the
6 petition from the circuit court and payment of any fee imposed under s. 16.53 (14),
7 whichever is later, any party in interest may request a hearing. Upon receipt of the
8 request, the department shall schedule a hearing at a place in or convenient to the
9 territory sought to be incorporated.

10 **SECTION 2018.** 66.0203 (9) (d) of the statutes is amended to read:

11 66.0203 (9) (d) Unless the court sets a different time limit, the department shall
12 prepare its findings and determination, citing the supporting evidence, within 90
13 days after receipt of the referral from the court and payment of any fee imposed under
14 s. 16.53 (14), whichever is later. The findings and determination shall be forwarded
15 by the department to the circuit court. Copies of the findings and determination shall
16 be sent by certified or registered mail to the designated representative of the
17 petitioners, and to all town and municipal clerks entitled to receive mailed notice of
18 the petition under sub. (4).

19 **SECTION 2019.** 66.0217 (6) (a) of the statutes is amended to read:

20 66.0217 (6) (a) *Annexations within populous counties.* No annexation
21 proceeding within a county having a population of 50,000 or more is valid unless the
22 person publishing a notice of annexation under sub. (4) mails a copy of the notice to
23 the clerk of each municipality affected and the department, together with any fee
24 imposed under s. 16.53 (14), within 5 days of the publication. The department may
25 within 20 days after receipt of the notice mail to the clerk of the town within which

SENATE BILL 55**SECTION 2019**

1 the territory lies and to the clerk of the proposed annexing village or city a notice that
2 in its opinion the annexation is against the public interest and that advises the clerks
3 of the reasons the annexation is against the public interest as defined in par. (c). The
4 annexing municipality shall review the advice before final action is taken.

5 **SECTION 2020.** 66.0309 (8m) of the statutes is created to read:

6 66.0309 (8m) AUTHORITY TO ACQUIRE REAL PROPERTY. A regional planning
7 commission may acquire and hold real property for public use and may convey and
8 dispose of the property.

9 **SECTION 2021.** 66.0627 (title) of the statutes is amended to read:

10 **66.0627 (title) Special charges for current services.**

11 **SECTION 2022.** 66.0627 (2) of the statutes is amended to read:

12 66.0627 (2) Except as provided in sub. (5), the governing body of a city, village
13 or town may impose a special charge against real property for ~~current services~~ that
14 are available, regardless of whether the services are actually rendered, by allocating
15 all or part of the cost of the service to the property that is served or that is eligible
16 to be served. The authority under this section is in addition to any other method
17 provided by law.

18 **SECTION 2023.** 66.0707 (2) of the statutes is amended to read:

19 66.0707 (2) A city, village or town may impose a special charge under s. 66.0627
20 against real property in an adjacent city, village or town that is served by ~~current~~
21 services that are available, regardless of whether the services are actually rendered
22 by the municipality imposing the special charge if the municipality in which the
23 property is located approves the imposition by resolution. The owner of the property
24 is entitled to the use and enjoyment of the service for which the special charge is

SENATE BILL 55**SECTION 2023**

1 imposed on the same conditions as the owner of property within the city, village or
2 town.

3 **SECTION 2024.** 66.0807 (2) of the statutes is amended to read:

4 66.0807 (2) A city, village or town served by a privately owned public utility,
5 motor bus or other systems of public transportation rendering local service may
6 contract with the owner of the utility or system for the leasing, public operation, joint
7 operation, extension and improvement of the utility or system by the municipality;
8 or, with funds loaned by the municipality, may contract for the stabilization by
9 municipal guaranty of the return upon or for the purchase by instalments out of
10 earnings or otherwise of that portion of the public utility or system which is operated
11 within the municipality and any territory immediately adjacent and tributary to the
12 municipality; or may contract for the accomplishment of any object agreed upon
13 between the parties relating to the use, operation, management, value, earnings,
14 purchase, extension, improvement, sale, lease or control of the utility or system
15 property. The provisions of s. 66.0817, 1999 stats., relating to preliminary agreement
16 and approval by the department of transportation or public service commission apply
17 to the contracts authorized by this section. The department of transportation or
18 public service commission shall, when a contract under this section is approved by
19 it and consummated, cooperate with the parties in respect to making valuations,
20 appraisals, estimates and other determinations specified in the contract to be made
21 by it.

22 **SECTION 2025.** 66.0817 (intro.) of the statutes is renumbered 66.0817 and
23 amended to read:

SENATE BILL 55**SECTION 2025**

1 **66.0817 Sale or lease of municipal public utility plant.** A town, village
2 or city, village, or town may sell or lease any complete public utility plant owned by
3 it in the ~~following manner:~~ any manner that it considers appropriate.

4 **SECTION 2026.** 66.0817 (1) to (7) of the statutes are repealed.

5 **SECTION 2027.** 66.0921 (2) of the statutes is amended to read:

6 66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint
7 contract with a nonprofit corporation organized for civic purposes and located in the
8 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
9 a facility to be used for municipal and civic activities if a majority of the voters voting
10 in a referendum authorize the municipality to enter into the joint contract. The
11 referendum shall be held at a special election or at a spring primary or election or
12 September primary or general election ~~approve the question of entering into the joint~~
13 ~~contract~~ or, if the municipality is a school district, at the next spring election or
14 general election to be held not earlier than 42 days after submittal of the issue or at
15 a special election held on the Tuesday after the first Monday in November in an
16 odd-numbered year if that date occurs not earlier than 42 days after submittal of the
17 issue.

18 **SECTION 2028.** 66.1001 (3) (rm) of the statutes is created to read:

19 66.1001 (3) (rm) Area cooperation compacts under s. 79.065 (4).

20 **SECTION 2029.** 66.1103 (10) (g) of the statutes is repealed.

21 **SECTION 2030.** 66.1106 (1) (e) of the statutes is amended to read:

22 66.1106 (1) (e) “Environmental remediation tax increment” means that
23 amount obtained by multiplying the total city, county, school and other local general
24 property taxes levied on a ~~parcel of real property that is certified under this section~~
25 taxable property in a year by a fraction having as a numerator the environmental

SENATE BILL 55**SECTION 2030**

1 remediation value increment for that year ~~for that parcel~~ in such district and as a
2 denominator that year's equalized value of that ~~parcel~~ taxable property. In any year,
3 an environmental remediation tax increment is "positive" if the environmental
4 remediation value increment is positive; it is "negative" if the environmental
5 remediation value increment is negative.

6 **SECTION 2031.** 66.1106 (1) (f) of the statutes is amended to read:

7 66.1106 (1) (f) "Environmental remediation tax incremental base" means the
8 aggregate value, as equalized by the department, of ~~a parcel of real~~ taxable property
9 that is certified under this section as of the January 1 preceding the date on which
10 ~~the department of natural resources issues a certificate certifying that~~
11 ~~environmental pollution on the property has been remediated in accordance with~~
12 ~~rules promulgated by the department of natural resources~~ environmental
13 remediation tax incremental district is created, as determined under sub. (1m) (b).

14 **SECTION 2032.** 66.1106 (1) (fm) of the statutes is created to read:

15 66.1106 (1) (fm) "Environmental remediation tax incremental district" means
16 a contiguous geographic area within a political subdivision defined and created by
17 resolution of the governing body of the political subdivision consisting solely of whole
18 units of property as are assessed for general property tax purposes, other than
19 railroad rights-of-way, rivers, or highways. Railroad rights-of-way, rivers, or
20 highways may be included in an environmental remediation tax incremental district
21 only if they are continuously bounded on either side, or on both sides, by whole units
22 of property as are assessed for general property tax purposes which are in the
23 environmental remediation tax incremental district. "Environmental remediation
24 tax incremental district" does not include any area identified as a wetland on a map
25 under s. 23.32.

SENATE BILL 55**SECTION 2033**

1 **SECTION 2033.** 66.1106 (1) (g) of the statutes is amended to read:

2 66.1106 (1) (g) “Environmental remediation value increment” means the
3 equalized value of a ~~parcel of real~~ taxable property that is certified under this section
4 minus the environmental remediation tax incremental base. In any year, the
5 environmental remediation value increment is “positive” if the environmental
6 remediation tax incremental base of the ~~parcel of~~ taxable property is less than the
7 aggregate value of the ~~parcel of~~ taxable property as equalized by the department; it
8 is “negative” if that base exceeds that aggregate value.

9 **SECTION 2034.** 66.1106 (1) (i) of the statutes is amended to read:

10 66.1106 (1) (i) “Period of certification” means a period of not more than 16 years
11 beginning after the department certifies the environmental remediation tax
12 incremental base of a ~~parcel of property~~ under sub. (4) or a period before all eligible
13 costs have been paid, whichever occurs first.

14 **SECTION 2035.** 66.1106 (1) (jm) of the statutes is created to read:

15 66.1106 (1) (jm) “Project expenditures” means the sum of eligible costs and all
16 other costs incurred by a political subdivision in the creation and operation of an
17 environmental remediation tax incremental district.

18 **SECTION 2036.** 66.1106 (1) (k) of the statutes is amended to read:

19 66.1106 (1) (k) “Taxable property” means all real and personal taxable property
20 located in an environmental remediation tax incremental district.

21 **SECTION 2037.** 66.1106 (1m) of the statutes is created to read:

22 66.1106 (1m) CREATION OF ENVIRONMENTAL REMEDIATION TAX INCREMENTAL
23 DISTRICTS. In order to implement the provisions of this section, the governing body
24 of the political subdivision shall adopt a resolution which does all of the following:

SENATE BILL 55**SECTION 2037**

1 (a) Describes the boundaries of an environmental remediation tax incremental
2 district with sufficient definiteness to identify with ordinary and reasonable
3 certainty the territory included within the district.

4 (b) Creates such district as of a date therein provided. If the resolution is
5 adopted during the period between January 2 and September 30, then such date
6 shall be the next preceding January 1. If such resolution is adopted during the period
7 between October 1 and December 31, then such date shall be the next subsequent
8 January 1. If the resolution is adopted on January 1, the environmental remediation
9 tax incremental district shall have been created as of the date of the resolution.

10 **SECTION 2038.** 66.1106 (2) (a) of the statutes is amended to read:

11 66.1106 (2) (a) A political subdivision that develops, and whose governing body
12 approves, a written proposal to remediate environmental pollution may use an
13 environmental remediation tax increment to pay the eligible costs of remediating
14 environmental pollution on contiguous parcels of property that are located in an
15 environmental remediation tax incremental district within the political subdivision
16 and that are not part of a tax incremental district created under s. 66.1105, as
17 provided in this section, except that a political subdivision may use an
18 environmental remediation tax increment to pay the cost of remediating
19 environmental pollution of groundwater without regard to whether the property
20 above the groundwater is owned by the political subdivision. No political subdivision
21 may submit an application to the department under sub. (4) until the joint review
22 board approves the political subdivision's written proposal under sub. (3).

23 **SECTION 2039.** 66.1106 (4) (intro.) of the statutes is amended to read:

24 66.1106 (4) CERTIFICATION. (intro.) Upon written application to the department
25 of revenue by the clerk of a political subdivision on or before ~~April 1 of the year~~

SENATE BILL 55**SECTION 2039**

1 following the year in which the certification described in par. (a) is received from the
2 department of natural resources December 31 of the year the environmental
3 remediation tax incremental district is created, as determined under sub. (1m) (b),
4 except that if the environmental remediation tax incremental district is created
5 during the period between October 1 and December 31, on or before December 31 of
6 the following year, the department of revenue shall certify to the clerk of the political
7 subdivision the environmental remediation tax incremental base of a parcel of real
8 property if all of the following apply:

9 **SECTION 2040.** 66.1106 (4) (b) of the statutes is amended to read:

10 66.1106 (4) (b) The political subdivision submits a statement that all taxing
11 jurisdictions with the authority to levy general property taxes on the parcel or
12 contiguous parcels of property have been notified that the political subdivision
13 intends to recover the costs of remediating environmental pollution on the property
14 and have been provided a statement of the estimated costs to be recovered.

15 **SECTION 2041.** 66.1106 (7) (a) of the statutes is amended to read:

16 66.1106 (7) (a) Subject to pars. (b), (c) and (d), the department shall annually
17 authorize the positive environmental remediation tax increment with respect to a
18 parcel or contiguous parcels of property during the period of certification to the
19 political subdivision that incurred the costs to remediate environmental pollution on
20 the property, except that an authorization granted under this paragraph does not
21 apply after the department receives the notice described under sub. (10) (b).

22 **SECTION 2042.** 66.1106 (7) (d) 1. of the statutes is amended to read:

23 66.1106 (7) (d) 1. The department may not authorize a positive environmental
24 remediation tax increment under par. (a) to pay otherwise eligible costs that are

SENATE BILL 55**SECTION 2042**

1 incurred by the political subdivision after the department of natural resources
2 certifies to the department of revenue that environmental pollution on the parcel or
3 contiguous parcels of property has been remediated unless the costs are associated
4 with activities, as determined by the department of natural resources, that are
5 necessary to close the site described in the site investigation report.

6 **SECTION 2043.** 66.1106 (9) of the statutes is amended to read:

7 66.1106 (9) SEPARATE ACCOUNTING REQUIRED. An environmental remediation tax
8 increment received with respect to a parcel or contiguous parcels of land that is
9 subject to this section shall be deposited in a separate fund by the treasurer of the
10 political subdivision. No money may be paid out of the fund except to pay eligible
11 costs for a parcel or contiguous parcels of land, or to reimburse the political
12 subdivision for such costs ~~or to satisfy claims of holders of bonds or notes issued to~~
13 ~~pay eligible costs.~~ If an environmental remediation tax increment that has been
14 collected with respect to a parcel of land remains in the fund after the period of
15 certification has expired, it shall be paid to the treasurers of the taxing jurisdictions
16 in which the parcel is located in proportion to the relative share of those taxing
17 jurisdictions in the most recent levy of general property taxes on the parcel.

18 **SECTION 2044.** 66.1106 (10) (a) of the statutes is amended to read:

19 66.1106 (10) (a) Prepare and make available to the public updated annual
20 reports describing the status of all projects to remediate environmental pollution
21 funded under this section, including revenues and expenditures. A copy of the report
22 shall be sent to all taxing jurisdictions with authority to levy general property taxes
23 on the parcel or contiguous parcels of property by May 1 annually.

24 **SECTION 2045.** 66.1106 (10) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 2045**

1 66.1106 (10) (b) Notify the department within 10 days after the period of
2 certification for a parcel or contiguous parcels of property has expired.

3 **SECTION 2046.** 66.1106 (10) (c) of the statutes is created to read:

4 66.1106 (10) (c) Not later than 12 months after the last expenditure is made
5 or not later than 12 months after an expenditure may be made under sub. (2) (b),
6 whichever comes first, prepare and make available to the public a report that is
7 similar to the report required under par. (a), except that the report required under
8 this paragraph shall also include an independent certified audit of each project to
9 determine if all financial transactions were made in a legal manner and to determine
10 if each environmental remediation tax incremental district complied with this
11 section. A copy of the report shall be sent out to all taxing jurisdictions which
12 received the reports under par. (a).

13 **SECTION 2047.** 66.1106 (10) (d) of the statutes is created to read:

14 66.1106 (10) (d) Not later than 180 days after an environmental remediation
15 tax incremental district terminates under sub. (11), provide the department with all
16 of the following on a form that is prescribed by the department:

17 1. A final accounting of project expenditures that are made for an
18 environmental remediation tax incremental district.

19 2. The final amount of eligible costs that have been paid for an environmental
20 remediation tax incremental district.

21 3. The total amount of environmental remediation tax increments that have
22 been paid to the political subdivision.

23 **SECTION 2048.** 66.1106 (11) of the statutes is created to read:

SENATE BILL 55**SECTION 2048**

1 66.1106 (11) TERMINATION OF ENVIRONMENTAL REMEDIATION TAX INCREMENTAL
2 DISTRICTS. An environmental remediation tax incremental district terminates when
3 the earlier of the following occurs:

4 (a) That time when the political subdivision has received aggregate
5 environmental remediation tax increments with respect to the district in an amount
6 equal to the aggregate of all eligible costs.

7 (b) Sixteen years after the department certifies the environmental remediation
8 tax incremental base of a parcel or contiguous parcels of property under sub. (4).

9 (c) The political subdivision's legislative body, by resolution, dissolves the
10 district at which time the political subdivision becomes liable for all unpaid eligible
11 costs actually incurred which are not paid from the separate fund under sub. (9).

12 **SECTION 2049.** 66.1106 (12) of the statutes is created to read:

13 66.1106 (12) (a) NOTICE OF DISTRICT TERMINATION. A political subdivision which
14 creates a tax incremental district under this section shall give the department
15 written notice within 10 days of the termination of the environmental remediation
16 tax incremental district under sub. (11).

17 (b) If the department receives a notice under par. (a) during the period from
18 January 1 to May 15, the effective date of the notice is the date the notice is received.
19 If the notice is received during the period from May 16 to December 31, the effective
20 date of the notice is the first January 1 after the department receives the notice.

21 **SECTION 2050.** 66.1305 (2) (a) 2. of the statutes is amended to read:

22 66.1305 (2) (a) 2. "~~Technology-based~~ Community-based business incubator"
23 has the meaning given in s. ~~560.14 (1) (h)~~ 560.143 (1) (a).

24 **SECTION 2051.** 66.1305 (2) (c) 1. of the statutes is amended to read:

SENATE BILL 55**SECTION 2051**

1 66.1305 (2) (c) 1. Study the feasibility and initial design for a ~~technology-based~~
2 community-based business incubator in the development area where the
3 redevelopment corporation operates.

4 **SECTION 2052.** 66.1305 (2) (c) 2. of the statutes is amended to read:

5 66.1305 (2) (c) 2. Develop and operate a ~~technology-based~~ community-based
6 business incubator in the development area where the redevelopment corporation
7 operates.

8 **SECTION 2053.** 66.1305 (2) (c) 3. of the statutes is amended to read:

9 66.1305 (2) (c) 3. Apply for a grant under s. ~~560.14 (3)~~ 560.143 in connection
10 with a ~~technology-based~~ community-based business incubator.

11 **SECTION 2054.** 66.1333 (2m) (d) 8. of the statutes is amended to read:

12 66.1333 (2m) (d) 8. Studying the feasibility of an initial design for a
13 ~~technology-based~~ community-based business incubator, developing and operating
14 a ~~technology-based~~ community-based business incubator and applying for a grant
15 under s. ~~560.14 (3)~~ 560.143 in connection with a ~~technology-based~~ community-based
16 business incubator.

17 **SECTION 2055.** 66.1333 (2m) (t) of the statutes is renumbered 66.1333 (2m) (f)
18 and amended to read:

19 66.1333 (2m) (f) “~~Technology-based~~ Community-based business incubator”
20 has the meaning given in s. ~~560.14 (1) (h)~~ 560.143 (1) (a).

21 **SECTION 2056.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

22 67.05 (6a) (a) 2. a. Direct the school district clerk to call a ~~special election~~
23 referendum for the purpose of submitting the resolution to the electors for approval
24 or rejection, ~~or direct that the resolution be submitted at the next regularly~~
25 ~~scheduled primary or~~ spring election or general election to be held not earlier than

SENATE BILL 55**SECTION 2056**

1 45 days after the adoption of the resolution or at a special election held on the
2 Tuesday after the first Monday in November in an odd-numbered year if that date
3 occurs not earlier than 45 days after the adoption of the resolution. The resolution
4 shall not be effective unless adopted by a majority of the school district electors voting
5 at the referendum.

6 **SECTION 2057.** 69.01 (6g) of the statutes is created to read:

7 69.01 (6g) "Date of death" means the date that a person is pronounced dead by
8 a physician, coroner, deputy coroner, medical examiner, or deputy medical examiner.

9 **SECTION 2058.** 69.01 (16m) of the statutes is created to read:

10 69.01 (16m) "Medical certification" means those portions of a death certificate
11 that provide the cause of death, the manner of death, injury-related data, and any
12 other medically-related data that is collected as prescribed by the state registrar
13 under s. 69.18 (1m) (c) 2.

14 **SECTION 2059.** 69.01 (22) of the statutes is amended to read:

15 69.01 (22) "Research" means a systematic study through scientific inquiry for
16 the purpose of expanding a field of knowledge, including ~~but not limited to~~
17 environmental or epidemiological research or special studies, that is conducted by
18 persons who meet criteria for access that are specified in rules promulgated under
19 s. 69.20 (4).

20 **SECTION 2060.** 69.01 (26) of the statutes is renumbered 69.01 (26) (intro.) and
21 amended to read:

22 69.01 (26) (intro.) "Vital records" means ~~certificates~~ any of the following:

23 (a) Certificates of birth, death, and divorce or annulment, and marriage
24 documents ~~and data.~~

SENATE BILL 55**SECTION 2060**

1 (c) Data related thereto to documents under par. (a) or worksheets or electronic
2 transmissions under par. (b).

3 **SECTION 2061.** 69.01 (26) (b) of the statutes is created to read:

4 69.01 **(26)** (b) Worksheets or electronic transmissions that use forms or
5 electronic file formats that are approved by the state registrar and are related to
6 documents under par. (a).

7 **SECTION 2062.** 69.03 (5) of the statutes is amended to read:

8 69.03 **(5)** Under this subchapter, accept for registration, assign a date of
9 acceptance, and index and preserve original certificates of birth and death, original
10 marriage documents and original divorce reports. Indexes prepared for public use
11 under s. 69.20 (3) (e) shall consist of the registrant's full name, date of the event,
12 county of occurrence, county of residence, and, at the discretion of the state registrar,
13 state file number. Notwithstanding s. 69.24 (1) (e), the state registrar may transfer
14 the paper original of a vital record to optical disc or electronic format in accordance
15 with s. 16.61 (5) or to microfilm reproduction in accordance with s. 16.61 (6) and
16 destroy the paper original of any vital record that is so converted. For the purposes
17 of this subchapter, the electronic format version or microfilm reproduction version
18 of the paper original of a vital record that has been transferred under this subsection
19 shall serve as the original vital record.

20 **SECTION 2063.** 69.06 (2) of the statutes is amended to read:

21 69.06 **(2)** Make, file, and index an exact copy of every certificate accepted under
22 sub. (1). Indexes prepared for public use under s. 69.20 (3) (e) shall consist of the
23 registrant's full name, date of the event, county of occurrence, county of residence,
24 and, at the discretion of the state registrar, local file number.

25 **SECTION 2064.** 69.07 (2) of the statutes is amended to read:

SENATE BILL 55**SECTION 2064**

1 69.07 (2) Make, file, and index an exact copy of every vital record accepted
2 under sub. (1) or received under s. 69.05 (3). Indexes prepared for public use under
3 s. 69.20 (3) (e) shall consist of the registrant's full name, date of the event, county of
4 occurrence, county of residence, and, at the discretion of the state registrar, local file
5 number.

6 **SECTION 2065.** 69.08 of the statutes is renumbered 69.08 (1), and 69.08 (1) (a),
7 as renumbered, is amended to read:

8 69.08 (1) (a) Is on a form prescribed or supplied for the record by the state
9 registrar.

10 **SECTION 2066.** 69.08 (2m) of the statutes is created to read:

11 69.08 (2m) Subsection (1) does not prohibit electronic filing of a vital record
12 under the system of vital statistics.

13 **SECTION 2067.** 69.11 (3) (b) 2. of the statutes is amended to read:

14 69.11 (3) (b) 2. Cause of death, if the vital record is a death certificate and if the
15 amendment is accompanied by a statement which that the person who signed the
16 medical ~~certificate part of the death certificate under s. 69.18 (2) certification~~ has
17 submitted to support the amendment.

18 **SECTION 2068.** 69.11 (3) (b) 3. of the statutes is repealed.

19 **SECTION 2069.** 69.11 (4) (b) of the statutes is amended to read:

20 69.11 (4) (b) ~~If 365 days have elapsed since the occurrence of the event which~~
21 ~~is the subject of a birth certificate, the~~ The state registrar may amend an item on the
22 a birth certificate which that affects information about the name, sex, date of birth,
23 place of birth, ~~parents' surnames~~ parent's name, or marital status of the mother ~~on~~
24 ~~a birth certificate~~ if 365 days have elapsed since the occurrence of the event that is
25 the subject of the birth certificate, if the amendment is at the request of a person with

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1 a direct and tangible interest in the record and is on a request form supplied by the
2 state registrar, and if the amendment is accompanied by 2 items of documentary
3 evidence from early childhood that are sufficient to prove that the item to be changed
4 is in error and by the affidavit of the person requesting the amendment. A change
5 in the marital status on the birth certificate may be made under this paragraph only
6 if the marital status is inconsistent with information concerning the father or
7 husband that appears on the birth certificate. This paragraph may not be used to
8 add to or delete from a birth certificate the name of a parent or to change the identity
9 of a parent named on the birth certificate.

10 **SECTION 2070.** 69.11 (5) (a) 2. of the statutes is repealed and recreated to read:

11 69.11 (5) (a) 2. If the amendment changes the information on the vital record,
12 do all of the following:

13 a. Record the correct information in the relevant area of the vital record.

14 b. Maintain legibility of the changed information by placing a single line
15 through the changed entry, by recording the changed information elsewhere on the
16 legal portion of the vital record, or both.

17 c. Make a notation on the vital record that clearly states that the vital record
18 has been amended and that gives the number of the item corrected, the date of the
19 correction, and the source of the amending information.

20 d. Initial the amendment notation specified in subd. 2. c.

21 **SECTION 2071.** 69.12 (5) of the statutes is created to read:

22 69.12 (5) A change in the marital status on the certificate of birth may be
23 requested under this section only if the marital status is inconsistent with father or
24 husband information appearing on the certificate of birth. This section may not be

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1 used to add or delete the name of a parent on the certificate of birth or change the
2 identity of either parent named on the certificate of birth.

3 **SECTION 2072.** 69.13 of the statutes is created to read:

4 **69.13 Correction of facts misrepresented by informant for certificate**
5 **of birth.** The state registrar may, under an order issued by the circuit court of the
6 county in which a birth occurred, correct information about the parent or the marital
7 status of the mother on a certificate of birth that is registered in this state if all of
8 the following conditions apply:

9 (1) The correction may not be accomplished under s. 69.11, 69.12, or 69.15
10 because the disputed information was misrepresented by the informant during the
11 preparation of the birth certificate.

12 (2) The state registrar receives, on a form prescribed by the state registrar, a
13 court order that is accompanied by all of the following:

14 (a) A petition for correction filed by a person with a direct and tangible interest
15 in the certificate of birth.

16 (b) Certification that all of the following supporting evidence, as listed by the
17 court in the order, was presented in addition to oral testimony:

18 1. A certified copy of the original certificate of birth.

19 2. If the birth occurred in a hospital, a copy of the birth worksheet and any other
20 supporting documentation from the hospital.

21 3. If the birth did not occur in a hospital, a statement from the birth attendant.

22 4. If relevant to the correction sought, a certified copy of a marriage document,
23 a certified copy of a certificate of divorce or annulment or a final divorce decree that
24 indicates that the mother was not married to the person listed as her husband at any

SENATE BILL 55**SECTION 2072**

1 time during the pregnancy, a legal name change order, or any other legal document
2 that clarifies the disputed information.

3 5. A statement signed by the certificate of birth informant or the petitioner
4 acknowledging that the disputed information was misrepresented.

5 (c) The supporting evidence specified in par. (b) 1. to 5.

6 (d) The fee specified under s. 69.22 (5) (b) 1.

7 **SECTION 2073.** 69.14 (1) (a) 1. of the statutes is amended to read:

8 69.14 (1) (a) 1. Except as provided under subd. 2., a certificate of birth for every
9 birth which ~~that~~ occurs in this state shall be filed ~~in the registration district in which~~
10 ~~the birth occurs~~ within 5 days after the birth and shall be registered with the state
11 registrar, who shall register the birth under this subchapter and shall make a copy
12 of the certificate of birth available to the registration district in which the birth
13 occurred and the registration district in which the mother of the registrant resided
14 at the time of the birth.

15 **SECTION 2074.** 69.14 (1) (cm) of the statutes is amended to read:

16 69.14 (1) (cm) *Information concerning paternity.* For a birth which occurs en
17 route to or at a hospital, the filing party shall give the mother a copy of the pamphlet
18 under s. 69.03 (14). If the child's parents are not married at the time of the child's
19 birth, the filing party shall give the mother a copy of the form prescribed by the state
20 registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained,
21 designated hospital staff provide to the child's available parents oral information or
22 an audio or video presentation and written information about the form and the
23 significance and benefits of, and alternatives to, establishing paternity, before the
24 parents sign the form. The filing party shall also provide an opportunity to complete
25 the form and have the form notarized in the hospital. If the mother provides a

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1 completed form to the filing party while she is a patient in the hospital and within
2 5 days after the birth, the filing party shall send the form directly to the state
3 registrar. From the appropriation under s. 20.445 (3) ~~(me)~~ (dz), the department of
4 workforce development shall pay the filing party a financial incentive for correctly
5 filing a form within 60 days after the child's birth.

6 **SECTION 2075.** 69.15 (1) (b) of the statutes is amended to read:

7 69.15 (1) (b) A clerk of court or, for a paternity action, a clerk of court or county
8 child support agency under s. 59.53 (5), sends the state registrar a certified report
9 of an order of a court in this state on a form supplied by the state registrar or, in the
10 case of any other order, the state registrar receives a certified copy of the order and
11 the proper fee under s. 69.22.

12 **SECTION 2076.** 69.17 of the statutes is amended to read:

13 **69.17 Divorce report.** At the end of every biweekly period, the clerk of any
14 court which conducts divorce proceedings under ch. 767 shall forward to the state
15 registrar, on a form supplied by the state registrar or in an electronic format that is
16 approved by the state registrar, a report of every divorce or annulment of marriage
17 granted during the biweekly period. The form supplied by the state registrar shall
18 require that the social security numbers of the parties to the divorce or annulment
19 and the social security number of any child of the parties be provided.

20 **SECTION 2077.** 69.18 (1) (bm) (intro.) of the statutes is amended to read:

21 69.18 (1) (bm) (intro.) A person required to file a certificate of death under par.
22 (b) shall obtain the information required for the certificate of death from the next of
23 kin or the best qualified person or source available. The person filing the certificate
24 of death shall enter his or her signature on the certificate and include his or her
25 address and the date of signing and shall present or mail the certificate, within 24

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1 hours after being notified of the death, to the physician, coroner or medical examiner
2 responsible for completing and signing the medical certification ~~under sub. (2).~~
3 Within 2 days after receipt of the medical certification ~~under sub. (2)~~, the person
4 filing the certificate of death shall mail or present the certificate of death in:

5 **SECTION 2078.** 69.18 (1) (c) of the statutes is amended to read:

6 69.18 (1) (c) A hospital ~~or~~, a nursing home, as defined in s. 50.01 (3), or a hospice,
7 as defined in s. 50.90 (1), which is the place of death of a person may prepare a
8 certificate of death for the person and give the certificate to the person who moves
9 the corpse under par. (a).

10 **SECTION 2079.** 69.18 (1) (d) of the statutes is amended to read:

11 69.18 (1) (d) A hospital ~~or~~, nursing home, or hospice, as defined in s. 50.90 (1)
12 (c), may not release a corpse to any person under par. (a) unless the person presents
13 a notice of removal on a form prescribed by the state registrar, in duplicate, to the
14 administrator of the hospital ~~or~~, nursing home, or hospice. The administrator shall
15 retain one copy and forward the other copy to the local registrar of the registration
16 district in which the hospital ~~or~~, nursing home, or hospice is located or shall transmit
17 the data electronically in a manner and format that is prescribed by the state
18 registrar.

19 **SECTION 2080.** 69.18 (1m) of the statutes is created to read:

20 69.18 (1m) **FORMAT.** Beginning on January 1, 2003, a certificate of death shall
21 consist of the following parts:

22 (a) Fact-of-death information, which shall include all of the following:

23 1. The name and other identifiers of the decedent, including the decedent's
24 social security number, if any.

25 2. The date, time, and place that the decedent was pronounced dead.

SENATE BILL 55**SECTION 2080**

1 3. The manner of the decedent's death.

2 4. The identity of the person certifying the death.

3 5. The dates of certification and filing of the certificate of death.

4 (b) Extended fact-of-death information, which includes all of the following:

5 1. All information under par. (a).

6 2. Information on final disposition and cause of death.

7 3. Injury-related data.

8 (c) Statistical-use-only information, which includes all of the following:

9 1. All information other than that under par. (b) that is collected on the
10 standard death record form recommended by the federal agency responsible for
11 national vital statistics.

12 2. Other data, as directed by the state registrar, including race, educational
13 background, and health risk behavior.

14 **SECTION 2081.** 69.18 (2) (a) of the statutes is amended to read:

15 69.18 (2) (a) On the form for a certificate of death prescribed by the state
16 registrar under sub. (1) (b), the state registrar shall provide for a ~~separate~~ medical
17 certification ~~section~~ to be completed under this subsection.

18 **SECTION 2082.** 69.18 (2) (d) 1. of the statutes is amended to read:

19 69.18 (2) (d) 1. Except as provided under par. (e), if a death is the subject of a
20 coroner's or medical examiner's determination under s. 979.01 or 979.03, the coroner
21 or medical examiner or a physician supervised by a coroner or medical examiner in
22 the county where the event which caused the death occurred shall complete and sign
23 the medical certification ~~part of the death certificate~~ for the death and mail the death
24 certificate within 5 days after the pronouncement of death or present the certificate

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1 to the person responsible for filing the death certificate under sub. (1) within 6 days
2 after the pronouncement of death.

3 **SECTION 2083.** 69.18 (2) (d) 2. of the statutes is amended to read:

4 69.18 (2) (d) 2. Except as provided under par. (e), if the decedent was not under
5 the care of a physician for the illness or condition from which the person died, the
6 coroner or medical examiner, or a physician supervised by a coroner or medical
7 examiner, in the county of the place of death shall complete and sign the medical
8 certification ~~part of the death certificate~~ for the death and mail the death certificate
9 within 5 days after the pronouncement of death or present the certificate to the
10 person responsible for filing the death certificate under sub. (1) within 6 days after
11 the pronouncement of death.

12 **SECTION 2084.** 69.18 (3) (a) of the statutes is amended to read:

13 69.18 (3) (a) Except as provided under par. (c) or (e), the person who has moved
14 a corpse under sub. (1) (a) shall complete a report for final disposition, on a form
15 supplied by the state registrar, and, within 24 hours after being notified of the death,
16 mail or present a copy of the report or transmit the data electronically in a manner
17 and format prescribed by the state registrar to the coroner or medical examiner in
18 the county of the place of death and mail or present a copy or transmit the data
19 electronically in a manner and format prescribed by the state registrar to the local
20 registrar in the registration district of the place of death. If the cause of death is
21 subject to an investigation under s. 979.01 or 979.03, the report for final disposition
22 shall be submitted to the coroner or medical examiner in the county in which the
23 event which caused the death occurred.

24 **SECTION 2085.** 69.20 (2) (a) of the statutes is renumbered 69.20 (2) (a) (intro.)
25 and amended to read:

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1 69.20 (2) (a) (intro.) Except as provided under sub. (3), information in the part
2 of a ~~birth certificate, of birth or divorce or annulment or a marriage document or~~
3 ~~divorce report~~ that is designated on the form as being collected for statistical or
4 medical and statistical use only and information in the part of a death certificate that
5 is designated on the form as being collected as statistical-use-only information
6 under s. 69.18 (1m) (c) may not be disclosed to any person except the subject
7 following:

8 1. The subject of the information, or, if the subject is a minor, ~~to~~ his or her parent
9 or guardian.

10 **SECTION 2086.** 69.20 (2) (a) 2. of the statutes is created to read:

11 69.20 (2) (a) 2. For a certificate of death, any of the persons specified under s.
12 69.18 (4) (a) 1. to 6. or an individual who is authorized in writing by one of the persons.

13 **SECTION 2087.** 69.20 (2) (c) of the statutes is created to read:

14 69.20 (2) (c) Except as provided under sub. (3), until 50 years after a decedent's
15 date of death, the state registrar and a local registrar may not permit inspection of
16 or disclose information contained in the portion under s. 69.18 (1m) (b) 2. and 3. of
17 the certificate of death to anyone except to a person specified under s. 69.20 (1), or
18 to a direct descendent of the decedent.

19 **SECTION 2088.** 69.20 (3) (e) of the statutes is repealed and recreated to read:

20 69.20 (3) (e) Public use indexes of certificates of birth, death, or divorce or
21 annulment, or marriage documents that are filed in the system of vital statistics at
22 the state or local level are accessible only by inspection at the office of the state
23 registrar or of a local registrar and may not be copied or reproduced except as follows:

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1 1. a. Certificate of birth index information may be copied or reproduced for the
2 public only after 100 years have elapsed from the year in which the birth occurred.
3 No information in the index that has been impounded under s. 69.15 may be released.

4 b. Subdivision 1. a. does not apply to certificate of birth indexes of events that
5 occurred before October 1, 1907.

6 2. Indexes of certificates of death or divorce or annulment may be copied or
7 reproduced for the public after 24 months have elapsed from the year in which the
8 event occurred.

9 3. Beginning January 1, 2003, any information that is obtained from an index
10 under subd. 1. or 2. and that is released shall contain the following statement: "This
11 information is not a legal vital record index. Inclusion of any information does not
12 constitute legal verification of the fact of the event."

13 **SECTION 2089.** 69.20 (4) of the statutes is amended to read:

14 69.20 (4) The Under procedures that are promulgated by rule, the state
15 registrar and every local registrar shall protect vital records from mutilation,
16 alteration ~~or~~, theft, or fraudulent use and shall protect the privacy rights of
17 registrants and their families by strictly controlling direct access to any vital record
18 filed or registered in paper or electronic form ~~through procedures promulgated by~~
19 ~~rule.~~

20 **SECTION 2090.** 69.21 (1) (a) 2. b. of the statutes is amended to read:

21 69.21 (1) (a) 2. b. Any information of the part of a ~~birth certificate, of birth,~~
22 death, or divorce or annulment or a marriage document or divorce report, the
23 disclosure of which is limited under s. 69.20 (2) (a) and (c), unless the requester is the
24 subject of the information or, for a decedent, unless the requester is specified in s.
25 69.20 (2) (a) 2.

SENATE BILL 55**SECTION 2091**

1 **SECTION 2091.** 69.21 (1) (b) 4. of the statutes is amended to read:

2 69.21 (1) (b) 4. Any A copy of a death certificate issued under par. (a) for a death
3 that occurred before January 1, 2003, shall include, ~~without limitation due to~~
4 ~~enumeration,~~ the name, sex, date and place of death, age or birth date, cause and
5 manner of death, and social security number, if any, of the decedent, and the file
6 number and the file date of the certificate, except that a requester may, upon request,
7 obtain a copy that does not include the cause of death.

8 **SECTION 2092.** 69.21 (1) (b) 5. of the statutes is created to read:

9 69.21 (1) (b) 5. A copy of a death certificate issued under par. (a) for a death that
10 occurs after December 31, 2002, shall be on a form that contains only fact-of-death
11 information specified in s. 69.18 (1m) (a), except that a requester may, upon request,
12 obtain a form that contains extended fact-of-death information specified in s. 69.18
13 (1m) (b).

14 **SECTION 2093.** 69.22 (1) (intro.) of the statutes is amended to read:

15 69.22 (1) (intro.) The Except as provided in sub. (6), the state registrar and any
16 local registrar acting under this subchapter shall collect the following fees:

17 **SECTION 2094.** 69.22 (1) (a) of the statutes is amended to read:

18 69.22 (1) (a) Except as provided under par. (c), \$7 for issuing one certified copy
19 of a vital record and ~~\$2~~ \$3 for any additional certified copy of the same vital record
20 issued at the same time.

21 **SECTION 2095.** 69.22 (1) (b) of the statutes is amended to read:

22 69.22 (1) (b) Except as provided under par. (c), \$7 for any uncertified copy of
23 a vital record issued under s. 69.21 (2) (a) or (b) or for verifying information submitted
24 by a requester without issuance of a copy and \$3 for any additional uncertified copy
25 of the same vital record issued at the same time.

SENATE BILL 55**SECTION 2096**

1 **SECTION 2096.** 69.22 (1) (d) of the statutes is created to read:

2 69.22 (1) (d) In addition to other fees under this subchapter, \$10 for expedited
3 service in issuing a vital record.

4 **SECTION 2097.** 69.22 (5) (a) 2. of the statutes is amended to read:

5 69.22 (5) (a) 2. Making alterations any change ordered by a court under s. 69.12
6 (3) or 69.15 (4) (a).

7 **SECTION 2098.** 69.22 (5) (a) 3. of the statutes is amended to read:

8 69.22 (5) (a) 3. Making alterations any change in a birth certificate under s.
9 69.15 (3) ~~or (3m)~~.

10 **SECTION 2099.** 69.22 (5) (b) 1. of the statutes is amended to read:

11 69.22 (5) (b) 1. Any new vital record registered under s. 69.12 (4), 69.14 (2) (b)
12 6-, 69.15 (1), (2), (3) ~~or (4) (3m)~~, (4) (b), or (6), 69.16 (2), or 69.19, or any corrected vital
13 record registered under s. 69.13.

14 **SECTION 2100.** 69.22 (6) of the statutes is amended to read:

15 69.22 (6) The state registrar may ~~provide free search and free charge a~~
16 reasonable fee for providing searches of vital records and for providing copies of vital
17 records to state agencies for program use. The register of deeds may provide free
18 searches and free copies to agencies in his or her county at the direction of the county
19 board.

20 **SECTION 2101.** 69.24 (2) (b) of the statutes is amended to read:

21 69.24 (2) (b) ~~Wilfully~~ Willfully and knowingly refuses to provide information
22 required under this subchapter ~~for a death certificate or for any part of a birth~~
23 ~~certificate which is not designated as the part for statistical or medical and statistical~~
24 use or for a death certificate.

25 **SECTION 2102.** 70.11 (2) of the statutes is amended to read:

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1 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.

2 Property owned by any county, city, village, town, school district, technical college
3 district, public inland lake protection and rehabilitation district, metropolitan
4 sewerage district, municipal water district created under s. 198.22, joint local water
5 authority created under s. 66.0823, regional planning commission created under s.
6 66.0309, family care district under s. 46.2895, or town sanitary district; lands
7 belonging to cities of any other state used for public parks; land tax-deeded to any
8 county or city before January 2; but any residence located upon property owned by
9 the county for park purposes that is rented out by the county for a nonpark purpose
10 shall not be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d),
11 this exemption shall not apply to land conveyed after August 17, 1961, to any such
12 governmental unit or for its benefit while the grantor or others for his or her benefit
13 are permitted to occupy the land or part thereof in consideration for the conveyance.
14 Leasing the property exempt under this subsection, regardless of the lessee and the
15 use of the leasehold income, does not render that property taxable.

16 **SECTION 2103.** 70.11 (9) of the statutes is amended to read:

17 70.11 (9) MEMORIALS. All memorial halls and the real estate upon which the
18 same are located, owned and occupied by any organization of United States war
19 veterans organized pursuant to act of congress and domesticated in this state
20 pursuant to the laws of this state, containing permanent memorial tablets with the
21 names of former residents of any given town, village, city or county who lost their
22 lives in the military or naval service of the state or the United States in any war
23 inscribed thereon, and all personal property owned by such organizations, and all
24 buildings erected, purchased or maintained by any county, city, town or village as
25 memorials under s. 45.05 or 45.055. The renting of such halls or buildings for public

SENATE BILL 55**SECTION 2103**

1 purposes shall not render them taxable, provided that all income derived therefrom
2 be used for the upkeep and maintenance thereof. Where such hall or building is used
3 in part for exempt purposes and in part for pecuniary profit, it shall be assessed for
4 taxation to the extent of such use for pecuniary profit as provided in s. 70.1105 (1).

5 **SECTION 2104.** 70.11 (21) (a) of the statutes is amended to read:

6 70.11 (21) (a) All property purchased or constructed as a waste treatment
7 facility used for the treatment of industrial wastes, as defined in s. 281.01 (5), or air
8 contaminants, as defined in s. 285.01 (1), but not for other wastes, as defined in s
9 281.01 (7) ~~and approved by the department of revenue,~~ for the purpose of abating or
10 eliminating pollution of surface waters, the air, or waters of the state if that property
11 is not used to grow agricultural products for sale and, if the property's owner is taxed
12 under ch. 76, if the property is approved by the department of revenue. For the
13 purposes of this subsection, "industrial waste" also includes wood chips, sawdust,
14 and other wood residue from the paper and wood products manufacturing process
15 that can be used as fuel and would otherwise be considered superfluous, discarded,
16 or fugitive material. The department of natural resources and department of health
17 and family services shall make recommendations upon request to the department of
18 revenue regarding such property. All property purchased or upon which
19 construction began prior to July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

20 **SECTION 2105.** 70.11 (21) (c) of the statutes is amended to read:

21 70.11 (21) (c) A prerequisite to exemption under this subsection for owners who
22 are taxed under ch. 76 is the filing of a statement on forms prescribed by the
23 department of revenue with the department of revenue. This statement shall be filed
24 not later than January 15 of the year in which a new exemption is requested or in

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1 which a waste treatment facility that has been granted an exemption is retired,
2 replaced, disposed of, moved to a new location, or sold.

3 **SECTION 2106.** 70.11 (21) (d) of the statutes is amended to read:

4 70.11 (21) (d) The department of revenue shall allow an extension to February
5 15; ~~or, if the owner is subject to tax under ch. 76, to a date determined by the~~
6 department by rule; ~~of the due date for filing the report form required under par. (c)~~
7 if a written application for an extension, stating the reason for the request, is filed
8 with the department of revenue before January 15.

9 **SECTION 2107.** 70.11 (21) (e) of the statutes is repealed.

10 **SECTION 2108.** 70.11 (21) (f) of the statutes is amended to read:

11 70.11 (21) (f) If property about which a statement has been filed under par. (c)
12 is determined to be taxable, the owner may appeal that determination ~~to the tax~~
13 ~~appeals commission under s. 73.01 (5) (a), except that assessments under s. 76.07~~
14 ~~shall be appealed under s. 76.08 and except that assessments under s. 70.995 (5)~~
15 ~~shall be appealed under s. 70.995 (8).~~

16 **SECTION 2109.** 70.11 (41) of the statutes is created to read:

17 70.11 (41) FOX RIVER NAVIGATIONAL SYSTEM AUTHORITY. All property owned by
18 the Fox River Navigational System Authority, provided that use of the property is
19 primarily related to the purposes of the authority.

20 **SECTION 2110.** 70.11 (42) of the statutes is created to read:

21 70.11 (42) HUB FACILITY. (a) In this subsection:

22 1. "Air carrier company" means any person engaged in the business of
23 transportation in aircraft of persons or property for hire on regularly scheduled
24 flights. In this subdivision, "aircraft" has the meaning given in s. 76.02 (1).

25 2. "Hub facility" means any of the following:

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1 a. A facility at an airport from which an air carrier company operated at least
2 45 common carrier departing flights each weekday in the prior year and from which
3 it transported passengers to at least 15 nonstop destinations, as defined by rule by
4 the department of revenue, or transported cargo to nonstop destinations, as defined
5 by rule by the department of revenue.

6 b. An airport or any combination of airports in this state from which an air
7 carrier company cumulatively operated at least 20 common carrier departing flights
8 each weekday in the prior year, if the air carrier company's headquarters, as defined
9 by rule by the department of revenue, is in this state.

10 (b) Property owned by an air carrier company that operates a hub facility in this
11 state, if the property is used in the operation of the air carrier company.

12 **SECTION 2111.** 70.1105 of the statutes is renumbered 70.1105 (1).

13 **SECTION 2112.** 70.1105 (2) of the statutes is created to read:

14 70.1105 (2) Property, excluding land, that is owned or leased by a corporation
15 that provides services pursuant to 15 USC 79 to a light, heat, and power company,
16 as defined under s. 76.28 (1) (e), that is subject to taxation under s. 76.28 and that
17 is affiliated with the corporation shall be assessed for taxation at the portion of the
18 fair market value of the property that is not used to provide such services.

19 **SECTION 2113.** 70.112 (4) of the statutes is renumbered 70.112 (4) (a) and
20 amended to read:

21 70.112 (4) (a) All special property assessed under ss. 76.01 to 76.26 and
22 property of any light, heat, and power company taxed under s. 76.28, telephone
23 company, car line company, and electric cooperative association that is used and
24 useful in the operation of the business of such company or association. If a general
25 structure for which an exemption is sought under this section is used and useful in

SENATE BILL 55**SECTION 2113**

1 part in the operation of any public utility assessed under ss. 76.01 to 76.26 or of the
2 business of any light, heat, and power company taxed under s. 76.28, telephone
3 ~~company~~, car line company, or electric cooperative association and in part for
4 nonoperating purposes of the public utility or company or association, that general
5 structure shall be assessed for taxation under this chapter at the percentage of its
6 full market value that fairly measures and represents the extent of its use for
7 nonoperating purposes. Nothing provided in this ~~subsection~~ paragraph shall
8 exclude any real estate or any property which is separately accounted for under s.
9 196.59 from special assessments for local improvements under s. 66.0705.

10 **SECTION 2114.** 70.112 (4) (b) of the statutes is created to read:

11 70.112 (4) (b) If real or tangible personal property is used more than 50%, as
12 determined by the department of revenue, in the operation of a telephone company
13 that is subject to the tax imposed under s. 76.81, the department of revenue shall
14 assess the property and that property shall be exempt from the general property
15 taxes imposed under this chapter. If real or tangible personal property is used less
16 than 50%, as determined by the department of revenue, in the operation of a
17 telephone company that is subject to the tax imposed under s. 76.81, the taxation
18 district in which the property is located shall assess the property and that property
19 shall be subject to the general property taxes imposed under this chapter.

20 **SECTION 2115.** 70.425 of the statutes is repealed.

21 **SECTION 2116.** 70.511 (2) (b) of the statutes is amended to read:

22 70.511 (2) (b) If the reviewing authority reduces the value of the property in
23 question, or determines that manufacturing property is exempt, the taxpayer may
24 file a claim for refund of taxes resulting from the reduction in value or determination
25 that the property is exempt. If Except as provided in par. (bm), if a claim for refund

SENATE BILL 55**SECTION 2116**

1 is filed with the clerk of the municipality on or before the November 1 following the
2 decision of the reviewing authority, the claim shall be payable to the taxpayer from
3 the municipality no later than January 31 of the succeeding year. ~~A~~ Except as
4 provided in par. (bm), a claim filed after November 1 shall be paid to the taxpayer by
5 the municipality no later than the 2nd January 31 after the claim is filed. Interest
6 Except for claims related to property assessed under s. 70.995, interest on the claim
7 at the rate of 0.8% per month shall be paid to the taxpayer when the claim is paid.
8 Interest on claims related to property assessed under s. 70.995 shall be paid when
9 the claim is made at the average annual discount interest rate determined by the last
10 auction of 6-month U.S. treasury bills before an appeal or objection is filed under s.
11 70.995 (8) or 10% per year, whichever is less. If the taxpayer requests a
12 postponement of proceedings before the reviewing authority, interest on the claim
13 shall permanently stop accruing at the date of the request. If the hearing is
14 postponed at the request of the taxpayer, the reviewing authority shall hold a
15 hearing on the appeal within 30 days after the postponement is requested unless the
16 taxpayer agrees to a longer delay. If the reviewing authority postpones the hearing
17 without a request by the taxpayer, interest on the claim shall continue to accrue. No
18 interest may be paid if the reviewing authority determines under s. 70.995 (8) (a) that
19 the value of the property was reduced because the taxpayer supplied false or
20 incomplete information. If taxes are refunded, the municipality may proceed under
21 s. 74.41.

22 **SECTION 2117.** 70.511 (2) (bm) of the statutes is created to read:

23 70.511 (2) (bm) A municipality may pay a refund under par. (b) of the taxes on
24 property that is assessed under s. 70.995 in 5 annual installments, each of which
25 except the last is equal to at least 20% of the sum of the refund and the interest on

SENATE BILL 55**SECTION 2117**

1 the refund that is due, beginning on the date under par. (b), if all of the following
2 conditions exist:

3 1. The municipality's property tax levy for its general operations for the year
4 for which the taxes to be refunded are due is less than \$100,000,000.

5 2. The refund is at least 0.0025% of the municipality's levy for its general
6 operations for the year for which the taxes to be refunded are due.

7 3. The refund is more than \$10,000.

8 **SECTION 2118.** 70.511 (2) (br) of the statutes is created to read:

9 70.511 (2) (br) From the appropriation under s. 20.835 (2) (bm), the department
10 of administration shall pay to each municipality that pays a refund under par. (b) for
11 property that is assessed under s. 70.995 or that pays a refund under par. (bm) an
12 amount equal to the interest that is paid by the municipality in the previous
13 biennium and that has accrued up to the date of the determination by the tax appeals
14 commission of the municipality's obligation.

15 **SECTION 2119.** 70.73 (1m) of the statutes is created to read:

16 70.73 (1m) AFTER BOARD OF REVIEW. If a town, village, or city clerk or treasurer
17 discovers a palpable error, as described under s. 74.33 (1), in the assessment roll after
18 the board of review has adjourned for the year under s. 70.47 (4), the clerk or
19 treasurer shall correct the assessment roll before calculating the property taxes that
20 are due on the property related to the error and notify the department of revenue of
21 the correction under s. 74.41 (1).

22 **SECTION 2120.** 70.995 (5) of the statutes is amended to read:

23 70.995 (5) ~~Commencing January 1, 1974, and annually thereafter, the~~ The
24 department of revenue shall assess all property of manufacturing establishments
25 included under subs. (1) and (2) as of the close of January 1 of each year, if on or before

SENATE BILL 55**SECTION 2120**

1 March 1 of that year the department has classified the property as manufacturing
2 or the owner of the property has requested, in writing, that the department make
3 such a classification and the department later does so. A change in ownership,
4 location, or name of the manufacturing establishment does not necessitate a new
5 request. In assessing lands from which metalliferous minerals are being extracted
6 and valued for purposes of the tax under s. 70.375, the value of the metalliferous
7 mineral content of such lands shall be excluded.

8 **SECTION 2121.** 70.995 (6) of the statutes is amended to read:

9 70.995 (6) Prior to February 15 of each year the department of revenue shall
10 notify each municipal assessor of the manufacturing property within the taxation
11 district that, as of that date, will be assessed by the department during the current
12 assessment year.

13 **SECTION 2122.** 70.995 (8) (b) of the statutes is renumbered 70.995 (8) (b) 1. and
14 amended to read:

15 70.995 (8) (b) 1. The department of revenue shall annually notify each
16 manufacturer assessed under this section and the municipality in which the
17 manufacturing property is located of the full value of all real and personal property
18 owned by the manufacturer. The notice shall be in writing and shall be sent by 1st
19 class mail. In addition, the notice shall specify that objections to valuation, amount,
20 or taxability must be filed with the state board of assessors within 60 days of issuance
21 of the notice of assessment, that objections to a change from assessment under this
22 section to assessment under s. 70.32 (1) must be filed within 60 days after receipt of
23 the notice, that the fee under par. (c) 1. or (d) must be paid and that the objection is
24 not filed until the fee is paid. A statement shall be attached to the assessment roll
25 indicating that the notices required by this section have been mailed and failure to

SENATE BILL 55**SECTION 2122**

1 receive the notice does not affect the validity of the assessments, the resulting tax
2 on real or personal property, the procedures of the tax appeals commission or of the
3 state board of assessors, or the enforcement of delinquent taxes by statutory means.

4 **SECTION 2123.** 70.995 (8) (b) 2. of the statutes is created to read:

5 70.995 (8) (b) 2. If a municipality files an objection to the amount, valuation,
6 taxability, or change from assessment under this section and the person assessed
7 does not file an objection, the person assessed may file an appeal within 15 days after
8 the municipality's objection is filed.

9 **SECTION 2124.** 70.995 (8) (c) of the statutes is renumbered 70.995 (8) (c) 1. and
10 amended to read:

11 70.995 (8) (c) 1. All objections to the amount, valuation, taxability, or change
12 from assessment under this section to assessment under s. 70.32 (1) of property shall
13 be first made in writing on a form prescribed by the department of revenue ~~and that~~
14 specifies that the objector shall set forth the reasons for the objection, the objector's
15 estimate of the correct assessment, and the basis under s. 70.32 (1) for the objector's
16 estimate of the correct assessment. An objection shall be filed with the state board
17 of assessors within the time prescribed in par. (b) 1. A \$45 fee shall be paid when the
18 objection is filed unless a fee has been paid in respect to the same piece of property
19 and that appeal has not been finally adjudicated. The objection is not filed until the
20 fee is paid. Neither the state board of assessors nor the tax appeals commission may
21 waive the requirement that objections be in writing. Persons who own land and
22 improvements to that land may object to the aggregate value of that land and
23 improvements to that land, but no person who owns land and improvements to that
24 land may object only to the valuation of that land or only to the valuation of
25 improvements to that land.

SENATE BILL 55**SECTION 2125**

1 **SECTION 2125.** 70.995 (8) (c) 2. of the statutes is created to read:

2 70.995 (8) (c) 2. A manufacturer who files an objection under subd. 1. may file
3 supplemental information to support the manufacturer's objection within 60 days
4 from the date the objection is filed. The state board of assessors shall notify the
5 municipality in which the manufacturer's property is located of supplemental
6 information filed by the manufacturer under this subdivision, if the municipality has
7 filed an appeal related to the objection.

8 **SECTION 2126.** 70.995 (8) (d) of the statutes is amended to read:

9 70.995 (8) (d) A municipality may file an objection with the state board of
10 assessors to the amount, valuation, or taxability under this section or to the change
11 from assessment under this section to assessment under s. 70.32 (1) of a specific
12 property having a situs in the municipality, whether or not the owner of the specific
13 property in question has filed an objection. Objection shall be made on a form
14 prescribed by the department and filed with the board within 60 days of the date of
15 the issuance of the assessment in question. If the person assessed files an objection
16 and the municipality affected does not file an objection, the municipality affected
17 may file an appeal to that objection within 15 days after the person's objection is filed.
18 A \$45 filing fee shall be paid when the objection is filed unless a fee has been paid
19 in respect to the same piece of property and that appeal has not been finally
20 adjudicated. The objection is not filed until the fee is paid. The board shall forthwith
21 notify the person assessed of the objection filed by the municipality.

22 **SECTION 2127.** 70.995 (8) (dm) of the statutes is amended to read:

23 70.995 (8) (dm) The department shall refund filing fees paid under par. (c) 1.
24 or (d) if the appeal in respect to the fee is denied because of lack of jurisdiction.

25 **SECTION 2128.** 70.995 (12) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 2128**

1 70.995 (12) (a) The department of revenue shall prescribe a standard
2 manufacturing property report form that shall be submitted annually for each real
3 estate parcel and each personal property account on or before March 1 by all
4 manufacturers whose property is assessed under this section. The report form shall
5 contain all information considered necessary by the department and shall include,
6 without limitation, income and operating statements, fixed asset schedules and a
7 report of new construction or demolition. Failure to submit the report shall result
8 in denial of any right of redetermination by the state board of assessors or the tax
9 appeals commission. If any property is omitted or understated in the assessment roll
10 in any of the next 5 previous years, the assessor shall enter the value of the omitted
11 or understated property once for each previous year of the omission or
12 understatement. ~~The assessor shall designate each additional entry as omitted or~~
13 ~~understated for the year of omission or understatement.~~ The assessor shall affix a
14 just valuation to each entry for a former year as it should have been assessed
15 according to the assessor's best judgment. Taxes shall be apportioned and collected
16 on the tax roll for each entry, on the basis of the net tax rate for the year of the
17 omission, taking into account credits under s. 79.10, ~~and.~~ In the case of omitted
18 property, interest shall be added at the rate of 0.0267% per day for the period of time
19 between the date when the form is required to be submitted and the date when the
20 assessor affixes the just valuation. In the case of underpayments determined after
21 an objection under s. 70.995 (8) (d), interest shall be added at the average annual
22 discount interest rate determined by the last auction of 6-month U.S. treasury bills
23 before the objection per day for the period of time between the date when the tax was
24 due and the date when it is paid.

25 **SECTION 2129.** 70.995 (12) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 2129**

1 70.995 (12) (b) The department of revenue shall allow an extension to April 1
2 of the due date for filing the report forms required under par. (a) if a written
3 application for an extension, stating the reason for the request, is filed with the
4 department on or before March 1.

5 **SECTION 2130.** 70.995 (12) (c) of the statutes is amended to read:

6 70.995 (12) (c) Unless the taxpayer shows that the failure is due to reasonable
7 cause, if a taxpayer fails to file any form required under par. (a) for property that the
8 department of revenue assessed during the previous year by the due date or by any
9 extension of the due date that has been granted, the taxpayer shall pay to the
10 department of revenue a penalty of ~~the greater of \$10 or 0.05% of the previous year's~~
11 ~~full value assessment not to exceed \$1,000. If the form required under par. (a) for~~
12 ~~property that the department of revenue assessed during the previous year is not~~
13 ~~filed within 30 days after the due date or within 30 days after any extension, the~~
14 ~~taxpayer shall pay to the department of revenue a 2nd penalty of the greater of \$10~~
15 ~~or 0.05% of the previous year's full value assessment not to exceed \$1,000~~ \$25 if the
16 form is filed 1 to 10 days late; \$50 or 0.05% of the previous year's assessment,
17 whichever is greater, but not more than \$250, if the form is filed 11 to 30 days late;
18 and \$100 or 0.1% of the previous year's assessment, whichever is greater, but not
19 more than \$750, if the form is filed more than 30 days late. Penalties are due 30 days
20 after they are assessed and are delinquent if not paid on or before that date. The
21 department may refund all or part of any penalty it assesses under this paragraph
22 if it finds reasonable grounds for late filing.

23 **SECTION 2131.** 71.04 (4) of the statutes is renumbered 71.04 (4) (intro.) and
24 amended to read:

SENATE BILL 55**SECTION 2131**

1 71.04 (4) NONRESIDENT ALLOCATION AND APPORTIONMENT FORMULA. (intro.)
2 Nonresident individuals and nonresident estates and trusts engaged in business
3 within and without the state shall be taxed only on such income as is derived from
4 business transacted and property located within the state. The amount of such
5 income attributable to Wisconsin may be determined by an allocation and separate
6 accounting thereof, when the business of such nonresident individual or nonresident
7 estate or trust within the state is not an integral part of a unitary business, but the
8 department of revenue may permit an allocation and separate accounting in any case
9 in which it is satisfied that the use of such method will properly reflect the income
10 taxable by this state. In all cases in which allocation and separate accounting is not
11 permissible, the determination shall be made in the following manner: for all
12 businesses except air carriers, financial organizations, pipeline companies, public
13 utilities, railroads, sleeping car companies and car line companies there shall first
14 be deducted from the total net income of the taxpayer the part thereof (less related
15 expenses, if any) that follows the situs of the property or the residence of the
16 recipient. The remaining net income shall be apportioned to Wisconsin this state by
17 use of an ~~apportionment fraction composed of a sales factor representing 50% of the~~
18 ~~fraction, a property factor representing 25% of the fraction and a payroll factor~~
19 ~~representing 25% of the fraction.~~ the following:

20 **SECTION 2132.** 71.04 (4) (a) of the statutes is created to read:

21 71.04 (4) (a) For taxable years beginning before January 1, 2003, an
22 apportionment fraction composed of a sales factor under sub. (7) representing 50%
23 of the fraction, a property factor under sub. (5) representing 25% of the fraction, and
24 a payroll factor under sub. (6) representing 25% of the fraction.

25 **SECTION 2133.** 71.04 (4) (b) of the statutes is created to read:

SENATE BILL 55**SECTION 2133**

1 71.04 (4) (b) For taxable years beginning after December 31, 2002, and before
2 January 1, 2004, an apportionment fraction composed of a sales factor under sub. (7)
3 representing 60% of the fraction, a property factor under sub. (5) representing 20%
4 of the fraction, and a payroll factor under sub. (6) representing 20% of the fraction.

5 **SECTION 2134.** 71.04 (4) (c) of the statutes is created to read:

6 71.04 (4) (c) For taxable years beginning after December 31, 2003, and before
7 January 1, 2005, an apportionment fraction composed of a sales factor under sub. (7)
8 representing 80% of the fraction, a property factor under sub. (5) representing 10%
9 of the fraction, and a payroll factor under sub. (6) representing 10% of the fraction.

10 **SECTION 2135.** 71.04 (4) (d) of the statutes is created to read:

11 71.04 (4) (d) For taxable years beginning after December 31, 2004, an
12 apportionment fraction composed of the sales factor under sub. (7).

13 **SECTION 2136.** 71.04 (4) (e) of the statutes is created to read:

14 71.04 (4) (e) For taxable years beginning after December 31, 2002, and before
15 January 1, 2005, the apportionment fraction for the remaining net income of a
16 financial organization shall include a sales factor that represents more than 50% of
17 the apportionment fraction, as determined by rule by the department. For taxable
18 years beginning after December 31, 2004, the apportionment fraction for the
19 remaining net income of a financial organization is composed of a sales factor, as
20 determined by rule by the department.

21 **SECTION 2137.** 71.04 (5) (intro.) of the statutes is amended to read:

22 71.04 (5) PROPERTY FACTOR. (intro.) For purposes of sub. (4) and for taxable
23 years beginning before January 1, 2005:

24 **SECTION 2138.** 71.04 (6) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 2138**

1 71.04 (6) PAYROLL FACTOR. (intro.) For purposes of sub. (4) and for taxable years
2 beginning before January 1, 2005:

3 **SECTION 2139.** 71.04 (7) (d) of the statutes is amended to read:

4 71.04 (7) (d) Sales, other than sales of tangible personal property, are in this
5 state if the income-producing activity is performed in this state. If the
6 income-producing activity is performed both in and outside this state the sales shall
7 be divided between those states having jurisdiction to tax such business in
8 proportion to the direct costs of performance incurred in each such state in rendering
9 this service. Services performed in states which do not have jurisdiction to tax the
10 business shall be deemed to have been performed in the state to which compensation
11 is allocated by ~~sub. s.~~ 71.04 (6), 1999 stats.

12 **SECTION 2140.** 71.04 (8) (b) of the statutes is renumbered 71.04 (8) (b) 1. and
13 amended to read:

14 71.04 (8) (b) 1. ~~Public~~ For taxable years beginning before January 1, 2003,
15 “public utility”, as used in this section, means any business entity described under
16 subd. 2. and any business entity which owns or operates any plant, equipment,
17 property, franchise, or license for the transmission of communications or the
18 production, transmission, sale, delivery, or furnishing of electricity, water or steam,
19 the rates of charges for goods or services of which have been established or approved
20 by a federal, state or local government or governmental agency. “Public

21 2. In this section, for taxable years beginning after December 31, 2002, “public
22 utility” also means any business entity providing service to the public and engaged
23 in the transportation of goods and persons for hire, as defined in s. 194.01 (4),
24 regardless of whether or not the entity’s rates or charges for services have been

SENATE BILL 55**SECTION 2140**

1 established or approved by a federal, state or local government or governmental
2 agency.

3 **SECTION 2141.** 71.04 (8) (c) of the statutes is amended to read:

4 71.04 (8) (c) The net business income of railroads, sleeping car companies, car
5 line companies, pipeline companies, financial organizations, air carriers and public
6 utilities requiring apportionment shall be apportioned pursuant to rules of the
7 department of revenue, but the income taxed is limited to the income derived from
8 business transacted and property located within the state.

9 **SECTION 2142.** 71.04 (10) of the statutes is amended to read:

10 71.04 (10) DEPARTMENT MAY WAIVE FACTOR. Where, in the case of any nonresident
11 individual or nonresident estate or trust engaged in business ~~within in~~ and ~~without~~
12 ~~the outside this~~ state of Wisconsin and required to apportion its income as provided
13 in this section, it shall be shown to the satisfaction of the department of revenue that
14 the use of any one of the 3 factors provided under sub. (4) gives an unreasonable or
15 inequitable final average ratio because of the fact that such nonresident individual
16 or nonresident estate or trust does not employ, to any appreciable extent in its trade
17 or business in producing the income taxed, the factors made use of in obtaining such
18 ratio, this factor may, with the approval of the department of revenue, be omitted in
19 obtaining the final average ratio which is to be applied to the remaining net income.
20 This subsection does not apply to taxable years beginning after December 31, 2004.

21 **SECTION 2143.** 71.05 (6) (a) 15. of the statutes is amended to read:

22 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
23 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx) ~~and~~, (3g), ~~and~~ (3s) and not passed through
24 by a partnership, limited liability company, or tax-option corporation that has added

SENATE BILL 55**SECTION 2143**

1 that amount to the partnership's, company's, or tax-option corporation's income
2 under s. 71.21 (4) or 71.34 (1) (g).

3 **SECTION 2144.** 71.05 (11) (b) of the statutes is amended to read:

4 71.05 (11) (b) The cost of the following described property, less any federal
5 depreciation or amortization taken, may be deducted as a subtraction modification
6 or as subtraction modifications in the year or years in which paid or accrued,
7 dependent on the method of accounting employed: All property purchased or
8 constructed as a waste treatment facility utilized for the treatment of industrial
9 wastes, as defined in s. 281.01 (5), or air contaminants, as defined in s. 285.01 (1),
10 but not for other wastes, as defined in s. 281.01 (7) ~~and approved by the department~~
11 ~~of revenue under s. 70.11 (21) (a), for the purpose of abating or eliminating pollution~~
12 ~~of surface waters, the air, or waters of the state and, if the property's owner is taxed~~
13 under ch. 76, if the property is approved by the department of revenue. In case of
14 such election, appropriate add modifications shall be made in subsequent years to
15 reverse federal depreciation or amortization or to correct gain or loss on disposition.
16 This paragraph is intended to apply only to depreciable property except that where
17 wastes are disposed of through a lagoon process, lagooning costs and the cost of land
18 containing such lagoons may be treated as depreciable property for purposes of this
19 paragraph. In no event may any amount in excess of cost be deducted. Paragraph
20 (a) applies to all property purchased prior to July 31, 1975, or purchased and
21 constructed in fulfillment of a written construction contract or formal written bid,
22 which contract was entered into or which bid was made prior to July 31, 1975.

23 **SECTION 2145.** 71.06 (2e) of the statutes is amended to read:

24 71.06 (2e) BRACKET INDEXING. For taxable years beginning after
25 December 31, 1998, and before January 1, 2000, the maximum dollar amount in

SENATE BILL 55**SECTION 2145**

1 each tax bracket, and the corresponding minimum dollar amount in the next bracket,
2 under subs. (1m) and (2) (c) and (d), and for taxable years beginning after
3 December 31, 1999, the maximum dollar amount in each tax bracket, and the
4 corresponding minimum dollar amount in the next bracket, under subs. (1n), (1p),
5 and (2) (e), (f), (g), and (h), shall be increased each year by a percentage equal to the
6 percentage change between the U.S. consumer price index for all urban consumers,
7 U.S. city average, for the month of August of the previous year and the U.S. consumer
8 price index for all urban consumers, U.S. city average, for the month of August 1997,
9 as determined by the federal department of labor, except that for taxable years
10 beginning after December 31, 2000, and before January 1, 2002, the dollar amount
11 in the top bracket under subs. (1p) (c) and (d), (2) (g) 3. and 4. and (h) 3. and 4. shall
12 be increased each year by a percentage equal to the percentage change between the
13 U.S. consumer price index for all urban consumers, U.S. city average, for the month
14 of August of the previous year and the U.S. consumer price index for all urban
15 consumers, U.S. city average, for the month of August 1999, as determined by the
16 federal department of labor. Each amount that is revised under this subsection shall
17 be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of
18 \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased
19 to the next higher multiple of \$10. The department of revenue shall annually adjust
20 the changes in dollar amounts required under this subsection and incorporate the
21 changes into the income tax forms and instructions.

22 **SECTION 2146.** 71.07 (2dm) of the statutes is created to read:

23 71.07 (**2dm**) DEVELOPMENT ZONE CAPITAL INVESTMENT CREDIT. (a) In this
24 subsection:

SENATE BILL 55**SECTION 2146**

1 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim tax benefits or
2 certified under s. 560.795 (5).

3 2. "Claimant" means a person who files a claim under this subsection.

4 3. "Development zone" means a development opportunity zone under s. 560.795
5 (1) (e).

6 4. "Previously owned property" means real property that the claimant or a
7 related person owned during the 2 years prior to the department of commerce
8 designating the place where the property is located as a development zone and for
9 which the claimant may not deduct a loss from the sale of the property to, or an
10 exchange of the property with, the related person under section 267 of the Internal
11 Revenue Code, except that section 267 (b) of the Internal Revenue Code is modified
12 so that if the claimant owns any part of the property, rather than 50% ownership, the
13 claimant is subject to section 267 (a) (1) of the Internal Revenue Code for purposes
14 of this subsection.

15 (b) Subject to the limitations provided in this subsection and in s. 73.03 (35),
16 for any taxable year for which the claimant is certified, a claimant may claim as a
17 credit against the taxes imposed under s. 71.02 an amount that is equal to 3% of the
18 following:

19 1. The purchase price of depreciable, tangible personal property.

20 2. The amount expended to acquire, construct, rehabilitate, remodel, or repair
21 real property in a development zone.

22 (c) A claimant may claim the credit under par. (b) 1., if the tangible personal
23 property is purchased after the claimant is certified and the personal property is
24 used for at least 50% of its use in the claimant's business at a location in a

SENATE BILL 55**SECTION 2146**

1 development zone or, if the property is mobile, the property's base of operations for
2 at least 50% of its use is at a location in a development zone.

3 (d) A claimant may claim the credit under par. (b) 2. for an amount expended
4 to construct, rehabilitate, remodel, or repair real property, if the claimant began the
5 physical work of construction, rehabilitation, remodeling, or repair, or any
6 demolition or destruction in preparation for the physical work, after the place where
7 the property is located was designated a development zone, or if the completed
8 project is placed in service after the claimant is certified. In this paragraph, "physical
9 work" does not include preliminary activities such as planning, designing, securing
10 financing, researching, developing specifications, or stabilizing the property to
11 prevent deterioration.

12 (e) A claimant may claim the credit under par. (b) 2. for an amount expended
13 to acquire real property, if the property is not previously owned property and if the
14 claimant acquires the property after the place where the property is located was
15 designated a development zone, or if the completed project is placed in service after
16 the claimant is certified.

17 (f) No credit may be allowed under this subsection unless the claimant includes
18 with the claimant's return:

19 1. A copy of a verification from the department of commerce that the claimant
20 may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under s. 560.795 (5).

21 2. A statement from the department of commerce verifying the purchase price
22 of the investment and verifying that the investment fulfills the requirements under
23 par. (b).

24 (g) In calculating the credit under par. (b) a claimant shall reduce the amount
25 expended to acquire property by a percentage equal to the percentage of the area of

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1 the real property not used for the purposes for which the claimant is certified and
2 shall reduce the amount expended for other purposes by the amount expended on the
3 part of the property not used for the purposes for which the claimant is certified.

4 (h) The carry-over provisions of s. 71.28 (4) (e) and (f) as they relate to the credit
5 under s. 71.28 (4) relate to the credit under this subsection.

6 (i) Partnerships, limited liability companies, and tax-option corporations may
7 not claim the credit under this subsection, but the eligibility for, and the amount of,
8 that credit shall be determined on the basis of their economic activity, not that of their
9 shareholders, partners, or members. The corporation, partnership, or limited
10 liability company shall compute the amount of credit that may be claimed by each
11 of its shareholders, partners, or members and provide that information to its
12 shareholders, partners, or members. Partners, members of limited liability
13 companies, and shareholders of tax-option corporations may claim the credit based
14 on the partnership's, company's, or corporation's activities in proportion to their
15 ownership interest and may offset it against the tax attributable to their income from
16 the partnership's, company's, or corporation's business operations in the
17 development zone and against the tax attributable to their income from the
18 partnership's, company's, or corporation's directly related business operations.

19 (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits
20 becomes ineligible for such tax benefits, or if a person's certification under s. 560.795
21 (5) is revoked, that person may claim no credits under this subsection for the taxable
22 year that includes the day on which the person becomes ineligible for tax benefits,
23 the taxable year that includes the day on which the certification is revoked, or
24 succeeding taxable years, and that person may carry over no unused credits from
25 previous years to offset tax under this chapter for the taxable year that includes the

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1 day on which the person becomes ineligible for tax benefits, the taxable year that
2 includes the day on which the certification is revoked, or succeeding taxable years.

3 (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits
4 or certified under s. 560.795 (5) ceases business operations in the development zone
5 during any of the taxable years that that zone exists, that person may not carry over
6 to any taxable year following the year during which operations cease any unused
7 credits from the taxable year during which operations cease or from previous taxable
8 years.

9 (L) Section 71.28 (4) (g) and (h) as it applies to the credit under s. 71.28 (4)
10 applies to the credit under this subsection.

11 **SECTION 2147.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

12 71.07 (2dx) (a) 5. "Member of a targeted group" means ~~a person under sub. (2dj)~~
13 ~~(am) 1.~~, a person who resides in an empowerment zone, or an enterprise community,
14 that the U.S. government designates, a person who is employed in an unsubsidized
15 job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin
16 works employment position, a person who is employed in a trial job, as defined in s.
17 49.141 (1) (n), ~~or~~ a person who is eligible for child care assistance under s. 49.155, a
18 person who is a vocational rehabilitation referral, an economically disadvantaged
19 youth, an economically disadvantaged veteran, a supplemental security income
20 recipient, a general assistance recipient, an economically disadvantaged ex-convict,
21 a qualified summer youth employee, as defined in 26 USC 51 (d) (7), or a food stamp
22 recipient; if the person has been certified in the manner under sub. (2dj) (am) 3. by
23 a designated local agency, as defined in sub. (2dj) (am) 2.

24 **SECTION 2148.** 71.07 (3g) of the statutes is created to read:

SENATE BILL 55**SECTION 2148**

1 71.07 (3g) TECHNOLOGY ZONES CREDIT. (a) Subject to the limitations under this
2 subsection and ss. 73.03 (35m) and 560.96, a business that is certified under s. 560.96
3 (3) may claim as a credit against the taxes imposed under s. 71.02 an amount equal
4 to the sum of the following, as established under s. 560.96 (3) (c):

5 1. The amount of real and personal property taxes imposed under s. 70.01 that
6 the business paid in the taxable year.

7 2. The amount of income and franchise taxes imposed under s. 71.02 that the
8 business paid in the taxable year.

9 3. The amount of sales and use taxes imposed under ss. 77.52, 77.53, and 77.71
10 that the business paid in the taxable year.

11 (b) The department of revenue shall notify the department of commerce of all
12 claims under this subsection.

13 (c) Section 71.28 (4) (f), (g), and (h), as it applies to the credit under s. 71.28 (4),
14 applies to the credit under par. (a).

15 **SECTION 2149.** 71.07 (7) (b) of the statutes is amended to read:

16 71.07 (7) (b) If a resident individual, estate or trust pays a net income tax to
17 another state, that resident individual, estate or trust may credit the net tax paid to
18 that other state on that income against the net income tax otherwise payable to the
19 state on income of the same year. The credit may not be allowed unless the income
20 taxed by the other state is also considered income for Wisconsin tax purposes. The
21 credit may not be allowed unless claimed within the time provided in s. 71.75 (2), but
22 s. 71.75 (4) does not apply to those credits. For purposes of this paragraph, amounts
23 declared and paid pursuant to under the income tax law of another state ~~shall be~~
24 deemed are considered a net income tax paid to that other state only in the year in
25 which the income tax return for that state was required to be filed. Income and

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1 franchise taxes paid to another state by a tax-option corporation, partnership, or
2 limited liability company that is treated as a partnership may be claimed as a credit
3 under this paragraph by that corporation's shareholders, that partnership's
4 partners, or that limited liability company's members who are residents of this state
5 and who otherwise qualify under this paragraph.

6 **SECTION 2150.** 71.07 (7m) of the statutes is created to read:

7 71.07 (7m) TAX RELIEF FUND TAX CREDIT. (a) *Definitions.* In this subsection:

8 1. "Claimant" means an individual taxpayer who is not a dependent.

9 2. "Credit unit" means an amount calculated by the department by dividing the
10 amount certified under par. (c) 3. by the sum of all claimants, all spouses of claimants,
11 and all dependents.

12 3. "Department" means the department of revenue.

13 4. "Dependent" means an individual who is claimed by the claimant as a
14 dependent under section 151 (c) of the Internal Revenue Code.

15 (b) *Filing claims.* Subject to the limitations and conditions provided in this
16 subsection, a claimant, or a claimant and his or her spouse, may claim as a credit
17 against the tax imposed under s. 71.02, up to the amount of those taxes, an amount
18 determined by the department under par. (c). One credit amount may be claimed by
19 each claimant, by the claimant's spouse, and for each dependent of a claimant. No
20 credit may be claimed by a dependent.

21 (c) *Determination of credit amount.* 1. Not later than September 1 each year,
22 the secretary of administration shall certify to the secretary of the department the
23 amount that is in the tax relief fund under s. 25.63.

24 2. If the amount of the certification is \$25,000,000 or less, the amount that may
25 be claimed in that taxable year is zero.

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1 3. If the amount of the certification exceeds \$25,000,000, the department shall
2 determine the credit amount for that taxable year. The credit amount shall be based
3 on the credit unit, but shall be modified such that the certified amount in the tax
4 relief fund is expended as fully as possible and that the credit amount for each
5 claimant, spouse of a claimant, and dependent of a claimant is rounded down to the
6 nearest whole dollar amount.

7 (d) *Certification of amounts claimed.* Not later than August 15 of the year
8 following the year in which the department determines a credit amount under par.
9 (c) 3., the department shall determine the amount of revenue lost because of credits
10 claimed in the taxable year to which that credit amount relates. The amount of
11 revenue lost shall be certified to the secretary of administration.

12 (e) *Limitations and conditions.* 1. No credit may be allowed under this
13 subsection unless it is claimed within the time period under s. 71.75 (2).

14 2. Part-year residents and nonresidents of this state are not eligible for the
15 credit under this subsection.

16 (f) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit
17 under that subsection, applies to the credit under this subsection.

18 **SECTION 2151.** 71.10 (4) (dt) of the statutes is created to read:

19 71.10 (4) (dt) Tax relief fund credit under s. 71.07 (7m).

20 **SECTION 2152.** 71.10 (4) (grb) of the statutes is created to read:

21 71.10 (4) (grb) Development zone capital investment credit under s. 71.07
22 (2dm).

23 **SECTION 2153.** 71.10 (4) (grd) of the statutes is created to read:

24 71.10 (4) (grd) Technology zones credit under s. 71.07 (3g).

25 **SECTION 2154.** 71.14 (3) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 2154**

1 71.14 (3) (intro.) Except as provided in sub. (2) and s. 71.04 (1) (b) 2., trusts
2 created by contract, declaration of trust or implication of law that are made
3 irrevocable and were administered in this state before October 29, 1999, shall be
4 considered resident at the place where the trust is being administered. The following
5 trusts shall be considered to be administered in the state of domicile of the corporate
6 trustee of the trust at any time that the grantor of the trust is not a resident of this
7 state:

8 **SECTION 2155.** 71.14 (3m) (a) (intro.) of the statutes is amended to read:

9 71.14 (3m) (a) (intro.) Subject to par. (b) and except as provided in sub. (2) and
10 s. 71.04 (1) (b) 2., only the following trusts, or portions of trusts, that from 1999 WI
11 Act 185 become irrevocable on or after October 29, 1999, or that became irrevocable
12 before October 29, 1999, and are first administered in this state on or after October
13 29, 1999, are resident of this state:

14 **SECTION 2156.** 71.14 (3m) (b) 2. of the statutes is amended to read:

15 71.14 (3m) (b) 2. Is irrevocable if the power to revest title, as described in par.
16 ~~(a)~~ subd. 1., does not exist.

17 **SECTION 2157.** 71.21 (4) of the statutes is amended to read:

18 71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
19 (2dj), (2dL), ~~(2dm)~~, (2ds), (2dx) ~~and, (3g), and~~ (3s) and passed through to partners
20 shall be added to the partnership's income.

21 **SECTION 2158.** 71.22 (1r) of the statutes is amended to read:

22 71.22 (1r) "Doing business in this state" includes issuing credit, debit, or travel
23 and entertainment cards to customers in this state; owning, directly or indirectly, a
24 general or limited partnership interest in a partnership that does business in this
25 state, regardless of the percentage of ownership; and owning, directly or indirectly,

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1 an interest in a limited liability company that does business in this state, regardless
2 of the percentage of ownership.

3 **SECTION 2159.** 71.22 (6m) of the statutes is created to read:

4 71.22 (6m) "Member" does not include a member of a limited liability company
5 treated as a corporation under sub. (1).

6 **SECTION 2160.** 71.22 (7m) of the statutes is created to read:

7 71.22 (7m) "Partner" does not include a partner of a publicly traded
8 partnership treated as a corporation under sub. (1).

9 **SECTION 2161.** 71.25 (6) of the statutes is renumbered 71.25 (6) (intro.) and
10 amended to read:

11 71.25 (6) ALLOCATION AND SEPARATE ACCOUNTING AND APPORTIONMENT FORMULA.
12 (intro.) Corporations engaged in business within and without the state shall be taxed
13 only on such income as is derived from business transacted and property located
14 within the state. The amount of such income attributable to Wisconsin may be
15 determined by an allocation and separate accounting thereof, when the business of
16 such corporation within the state is not an integral part of a unitary business, but
17 the department of revenue may permit an allocation and separate accounting in any
18 case in which it is satisfied that the use of such method will properly reflect the
19 income taxable by this state. In all cases in which allocation and separate accounting
20 is not permissible, the determination shall be made in the following manner: for all
21 businesses except air carriers, financial organizations, pipeline companies, public
22 utilities, railroads, sleeping car companies, car line companies and corporations or
23 associations that are subject to a tax on unrelated business income under s. 71.26 (1)
24 (a) there shall first be deducted from the total net income of the taxpayer the part
25 thereof (less related expenses, if any) that follows the situs of the property or the

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1 residence of the recipient. The remaining net income shall be apportioned to
2 Wisconsin this state by use of an apportionment fraction composed of a sales factor
3 under sub. (9) representing 50% of the fraction, a property factor under sub. (7)
4 representing 25% of the fraction and a payroll factor under sub. (8) representing 25%
5 of the fraction. the following:

6 **SECTION 2162.** 71.25 (6) (a) of the statutes is created to read:

7 71.25 (6) (a) For taxable years beginning before January 1, 2003, an
8 apportionment fraction composed of a sales factor under sub. (9) representing 50%
9 of the fraction, a property factor under sub. (7) representing 25% of the fraction, and
10 a payroll factor under sub. (8) representing 25% of the fraction.

11 **SECTION 2163.** 71.25 (6) (b) of the statutes is created to read:

12 71.25 (6) (b) For taxable years beginning after December 31, 2002, and before
13 January 1, 2004, an apportionment fraction composed of a sales factor under sub. (9)
14 representing 60% of the fraction, a property factor under sub. (7) representing 20%
15 of the fraction, and a payroll factor under sub. (8) representing 20% of the fraction.

16 **SECTION 2164.** 71.25 (6) (c) of the statutes is created to read:

17 71.25 (6) (c) For taxable years beginning after December 31, 2003, and before
18 January 1, 2005, an apportionment fraction composed of a sales factor under sub. (9)
19 representing 80% of the fraction, a property factor under sub. (7) representing 10%
20 of the fraction, and a payroll factor under sub. (8) representing 10% of the fraction.

21 **SECTION 2165.** 71.25 (6) (d) of the statutes is created to read:

22 71.25 (6) (d) For taxable years beginning after December 31, 2004, an
23 apportionment fraction composed of the sales factor under sub. (9).

24 **SECTION 2166.** 71.25 (6) (e) of the statutes is created to read:

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1 71.25 (6) (e) For taxable years beginning after December 31, 2002, and before
2 January 1, 2005, the apportionment fraction for the remaining net income of a
3 financial organization shall include a sales factor that represents more than 50% of
4 the apportionment fraction, as determined by rule by the department. For taxable
5 years beginning after December 31, 2004, the apportionment fraction for the
6 remaining net income of a financial organization is composed of a sales factor, as
7 determined by rule by the department.

8 **SECTION 2167.** 71.25 (7) (intro.) of the statutes is amended to read:

9 71.25 (7) PROPERTY FACTOR. (intro.) For purposes of sub. ~~(5)~~ (6) and for taxable
10 years beginning before January 1, 2005:

11 **SECTION 2168.** 71.25 (8) (intro.) of the statutes is amended to read:

12 71.25 (8) PAYROLL FACTOR. (intro.) For purposes of sub. ~~(5)~~ (6) and for taxable
13 years beginning before January 1, 2005:

14 **SECTION 2169.** 71.25 (9) (d) of the statutes is amended to read:

15 71.25 (9) (d) Sales, other than sales of tangible personal property, are in this
16 state if the income-producing activity is performed in this state. If the
17 income-producing activity is performed both in and outside this state the sales shall
18 be divided between those states having jurisdiction to tax such business in
19 proportion to the direct costs of performance incurred in each such state in rendering
20 this service. Services performed in states which do not have jurisdiction to tax the
21 business shall be deemed to have been performed in the state to which compensation
22 is allocated by sub. s. 71.25 (8), 1999 stats.

23 **SECTION 2170.** 71.25 (10) (b) of the statutes is renumbered 71.25 (10) (b) 1. and
24 amended to read:

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1 71.25 (10) (b) 1. In this section, for taxable years beginning before January 1,
2 2003, “public utility” means any business entity described under subd. 2. and any
3 business entity which owns or operates any plant, equipment, property, franchise,
4 or license for the transmission of communications or the production, transmission,
5 sale, delivery, or furnishing of electricity, water or steam the rates of charges for
6 goods or services of which have been established or approved by a federal, state or
7 local government or governmental agency. ~~“Public~~

8 2. In this section, for taxable years beginning after December 31, 2002, “public
9 utility” also means any business entity providing service to the public and engaged
10 in the transportation of goods and persons for hire, as defined in s. 194.01 (4),
11 regardless of whether or not the entity’s rates or charges for services have been
12 established or approved by a federal, state or local government or governmental
13 agency.

14 **SECTION 2171.** 71.25 (10) (c) of the statutes is amended to read:

15 71.25 (10) (c) The net business income of railroads, sleeping car companies, car
16 line companies, pipeline companies, financial organizations, air carriers and public
17 utilities requiring apportionment shall be apportioned pursuant to rules of the
18 department of revenue, but the income taxed is limited to the income derived from
19 business transacted and property located within the state.

20 **SECTION 2172.** 71.25 (11) of the statutes is amended to read:

21 71.25 (11) DEPARTMENT MAY WAIVE FACTOR. Where, in the case of any corporation
22 engaged in business ~~within in~~ and ~~without the~~ outside this state of Wisconsin and
23 required to apportion its income as provided in sub. (6), it shall be shown to the
24 satisfaction of the department of revenue that the use of any one of the 3 factors
25 provided in sub. (6) gives an unreasonable or inequitable final average ratio because

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1 of the fact that such corporation does not employ, to any appreciable extent in its
2 trade or business in producing the income taxed, the factors made use of in obtaining
3 such ratio, this factor may, with the approval of the department of revenue, be
4 omitted in obtaining the final average ratio which is to be applied to the remaining
5 net income. This subsection does not apply to taxable years beginning after
6 December 31, 2004.

7 **SECTION 2173.** 71.25 (15) of the statutes is created to read:

8 71.25 (15) PARTNERSHIPS AND LIMITED LIABILITY COMPANIES. (a) A general or
9 limited partner's share of the numerator and denominator of a partnership's
10 apportionment factors under this section are included in the numerator and
11 denominator of the general or limited partner's apportionment factors under this
12 section.

13 (b) If a limited liability company is treated as a partnership, for federal tax
14 purposes, a member's share of the numerator and denominator of a limited liability
15 company's apportionment factors under this section are included in the numerator
16 and denominator of the member's apportionment factors under this section.

17 **SECTION 2174.** 71.26 (1) (be) of the statutes is amended to read:

18 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
19 Hospitals and Clinics Authority and of the Fox River Navigational System Authority.

20 **SECTION 2175.** 71.26 (2) (a) of the statutes is amended to read:

21 71.26 (2) (a) *Corporations in general.* The "net income" of a corporation means
22 the gross income as computed under the ~~internal revenue code~~ Internal Revenue
23 Code as modified under sub. (3) minus the amount of recapture under s. 71.28 (1di)
24 plus the amount of credit computed under s. 71.28 (1) ~~and~~, (3) ~~to~~, (4), and (5) plus the
25 amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm),

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1 (1ds) ~~and, and (3g)~~ (1dx) and not passed through by a partnership, limited liability
2 company, or tax-option corporation that has added that amount to the partnership's,
3 limited liability company's, or tax-option corporation's income under s. 71.21 (4) or
4 71.34 (1) (g) plus the amount of losses from the sale or other disposition of assets the
5 gain from which would be wholly exempt income, as defined in sub. (3) (L), if the
6 assets were sold or otherwise disposed of at a gain and minus deductions, as
7 computed under the ~~internal revenue code~~ Internal Revenue Code as modified under
8 sub. (3), plus or minus, as appropriate, an amount equal to the difference between
9 the federal basis and Wisconsin basis of any asset sold, exchanged, abandoned, or
10 otherwise disposed of in a taxable transaction during the taxable year, except as
11 provided in par. (b) and s. 71.45 (2) and (5).

12 **SECTION 2176.** 71.26 (3) (n) of the statutes is amended to read:

13 71.26 (3) (n) Sections 381, 382 and 383 (relating to carry-overs in certain
14 corporate acquisitions) are modified so that they apply to losses under sub. (4) and
15 credits under s. 71.28 (1di), (1dL), (1dm), (1dx) ~~and, (3) to, (4), and (5)~~ instead of to
16 federal credits and federal net operating losses.

17 **SECTION 2177.** 71.28 (1dm) of the statutes is created to read:

18 71.28 (1dm) DEVELOPMENT ZONE CAPITAL INVESTMENT CREDIT. (a) In this
19 subsection:

20 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim tax benefits or
21 certified under s. 560.795 (5).

22 2. "Claimant" means a person who files a claim under this subsection.

23 3. "Development zone" means a development opportunity zone under s. 560.795

24 (1) (e).

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1 4. "Previously owned property" means real property that the claimant or a
2 related person owned during the 2 years prior to the department of commerce
3 designating the place where the property is located as a development zone and for
4 which the claimant may not deduct a loss from the sale of the property to, or an
5 exchange of the property with, the related person under section 267 of the Internal
6 Revenue Code, except that section 267 (b) of the Internal Revenue Code is modified
7 so that if the claimant owns any part of the property, rather than 50% ownership, the
8 claimant is subject to section 267 (a) (1) of the Internal Revenue Code for purposes
9 of this subsection.

10 (b) Subject to the limitations provided in this subsection and in s. 73.03 (35),
11 for any taxable year for which the claimant is certified, a claimant may claim as a
12 credit against the taxes imposed under s. 71.23 an amount that is equal to 3% of the
13 following:

14 1. The purchase price of depreciable, tangible personal property.

15 2. The amount expended to acquire, construct, rehabilitate, remodel, or repair
16 real property in a development zone.

17 (c) A claimant may claim the credit under par. (b) 1., if the tangible personal
18 property is purchased after the claimant is certified and the personal property is
19 used for at least 50% of its use in the claimant's business at a location in a
20 development zone or, if the property is mobile, the property's base of operations for
21 at least 50% of its use is at a location in a development zone.

22 (d) A claimant may claim the credit under par. (b) 2. for an amount expended
23 to construct, rehabilitate, remodel, or repair real property, if the claimant began the
24 physical work of construction, rehabilitation, remodeling, or repair, or any
25 demolition or destruction in preparation for the physical work, after the place where

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1 the property is located was designated a development zone, or if the completed
2 project is placed in service after the claimant is certified. In this paragraph, “physical
3 work” does not include preliminary activities such as planning, designing, securing
4 financing, researching, developing specifications, or stabilizing the property to
5 prevent deterioration.

6 (e) A claimant may claim the credit under par. (b) 2. for an amount expended
7 to acquire real property, if the property is not previously owned property and if the
8 claimant acquires the property after the place where the property is located was
9 designated a development zone, or if the completed project is placed in service after
10 the claimant is certified.

11 (f) No credit may be allowed under this subsection unless the claimant includes
12 with the claimant’s return:

13 1. A copy of a verification from the department of commerce that the claimant
14 may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under s. 560.795 (5).

15 2. A statement from the department of commerce verifying the purchase price
16 of the investment and verifying that the investment fulfills the requirements under
17 par. (b).

18 (g) In calculating the credit under par. (b) a claimant shall reduce the amount
19 expended to acquire property by a percentage equal to the percentage of the area of
20 the real property not used for the purposes for which the claimant is certified and
21 shall reduce the amount expended for other purposes by the amount expended on the
22 part of the property not used for the purposes for which the claimant is certified.

23 (h) The carry-over provisions of sub. (4) (e) and (f) as they relate to the credit
24 under sub. (4) relate to the credit under this subsection.

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1 (i) Partnerships, limited liability companies, and tax-option corporations may
2 not claim the credit under this subsection, but the eligibility for, and the amount of,
3 that credit shall be determined on the basis of their economic activity, not that of their
4 shareholders, partners, or members. The corporation, partnership, or limited
5 liability company shall compute the amount of credit that may be claimed by each
6 of its shareholders, partners, or members and provide that information to its
7 shareholders, partners, or members. Partners, members of limited liability
8 companies, and shareholders of tax-option corporations may claim the credit based
9 on the partnership's, company's, or corporation's activities in proportion to their
10 ownership interest and may offset it against the tax attributable to their income from
11 the partnership's, company's, or corporation's business operations in the
12 development zone and against the tax attributable to their income from the
13 partnership's, company's, or corporation's directly related business operations.

14 (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits
15 becomes ineligible for such tax benefits, or if a person's certification under s. 560.795
16 (5) is revoked, that person may claim no credits under this subsection for the taxable
17 year that includes the day on which the person becomes ineligible for tax benefits,
18 the taxable year that includes the day on which the certification is revoked, or
19 succeeding taxable years, and that person may carry over no unused credits from
20 previous years to offset tax under this chapter for the taxable year that includes the
21 day on which the person becomes ineligible for tax benefits, the taxable year that
22 includes the day on which the certification is revoked, or succeeding taxable years.

23 (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits
24 or certified under s. 560.795 (5) ceases business operations in the development zone
25 during any of the taxable years that that zone exists, that person may not carry over

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1 to any taxable year following the year during which operations cease any unused
2 credits from the taxable year during which operations cease or from previous taxable
3 years.

4 (L) Subsection (4) (g) and (h) as it applies to the credit under sub. (4) applies
5 to the credit under this subsection.

6 **SECTION 2178.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

7 71.28 (1dx) (a) 5. "Member of a targeted group" means ~~a person under sub. (2dj)~~
8 ~~(am) 1.~~, a person who resides in an empowerment zone, or an enterprise community,
9 that the U.S. government designates, a person who is employed in an unsubsidized
10 job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin
11 works employment position, a person who is employed in a trial job, as defined in s.
12 49.141 (1) (n), ~~or~~ a person who is eligible for child care assistance under s. 49.155, a
13 person who is a vocational rehabilitation referral, an economically disadvantaged
14 youth, an economically disadvantaged veteran, a supplemental security income
15 recipient, a general assistance recipient, an economically disadvantaged ex-convict,
16 a qualified summer youth employee, as defined in 26 USC 51 (d) (7), or a food stamp
17 recipient; if the person has been certified in the manner under sub. (1dj) (am) 3. by
18 a designated local agency, as defined in sub. (1dj) (am) 2.

19 **SECTION 2179.** 71.28 (3g) of the statutes is created to read:

20 71.28 (3g) TECHNOLOGY ZONES CREDIT. (a) Subject to the limitations under this
21 subsection and ss. 73.03 (35m) and 560.96, a business that is certified under s. 560.96
22 (3) may claim as a credit against the taxes imposed under s. 71.23 an amount equal
23 to the sum of the following, as established under s. 560.96 (3) (c):

24 1. The amount of real and personal property taxes imposed under s. 70.01 that
25 the business paid in the taxable year.

SENATE BILL 55**SECTION 2179**

1 2. The amount of income and franchise taxes imposed under s. 71.23 that the
2 business paid in the taxable year.

3 3. The amount of sales and use taxes imposed under ss. 77.52, 77.53, and 77.71
4 that the business paid in the taxable year.

5 (b) The department of revenue shall notify the department of commerce of all
6 claims under this subsection.

7 (c) Subsection (4) (f), (g), and (h), as it applies to the credit under sub. (4), applies
8 to the credit under par. (a).

9 **SECTION 2180.** 71.30 (3) (emb) of the statutes is created to read:

10 71.30 (3) (emb) Development zone capital investment credit under s. 71.28
11 (1dm).

12 **SECTION 2181.** 71.30 (3) (eon) of the statutes is created to read:

13 71.30 (3) (eon) Technology zones credit under s. 71.28 (3g).

14 **SECTION 2182.** 71.34 (1) (g) of the statutes is amended to read:

15 71.34 (1) (g) An addition shall be made for credits computed by a tax-option
16 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx) ~~and~~, (3),
17 and (3g) and passed through to shareholders.

18 **SECTION 2183.** 71.42 (3d) of the statutes is created to read:

19 71.42 (3d) "Member" does not include a member of a limited liability company
20 treated as a corporation under s. 71.22 (1).

21 **SECTION 2184.** 71.42 (3h) of the statutes is created to read:

22 71.42 (3h) "Partner" does not include a partner of a publicly traded partnership
23 treated as a corporation under s. 71.22 (1).

24 **SECTION 2185.** 71.45 (3) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 2185**

1 71.45 (3) APPORTIONMENT. (intro.) ~~With respect~~ Except as provided in sub. (3d),
2 to determine Wisconsin income for purposes of the franchise tax, domestic insurers
3 ~~not engaged in the sale of life insurance but which~~ that, in the taxable year, have
4 collected received premiums, other than life insurance premiums, written on
5 subjects ~~of~~ for insurance on property or risks resident, located or to be performed
6 outside this state, ~~there shall be subtracted from~~ multiply the net income figure
7 derived by application of sub. (2) (a) ~~to arrive at Wisconsin income constituting the~~
8 ~~measure of the franchise tax an amount calculated by multiplying such adjusted~~
9 ~~federal taxable income by the arithmetic average of the following 2 percentages:~~

10 **SECTION 2186.** 71.45 (3) (a) of the statutes is amended to read:

11 71.45 (3) (a) The Subject to sub. (3d), the percentage of total determined by
12 dividing the sum of direct premiums written on ~~all property and risks~~ for insurance
13 other than life insurance, with respects to all property and risks resident, located,
14 or to be performed in this state, and assumed premiums written for reinsurance,
15 other than life insurance, with respect to all property and risks resident, located, or
16 to be performed in this state, by the sum of direct premiums written for insurance
17 on all property and risks, other than life insurance, wherever located during the
18 ~~taxable year, as reflects,~~ and assumed premiums written on ~~insurance for~~
19 reinsurance on all property and risks, other than life insurance, where the subject
20 of insurance was resident, located or to be performed outside this state wherever
21 located. In this paragraph, "direct premiums" means direct premiums as reported
22 for the taxable year on an annual statement that is filed by the insurer with the
23 commissioner of insurance under s. 601.42 (1g) (a). In this paragraph, "assumed
24 premiums" means assumed reinsurance premiums from domestic insurance

SENATE BILL 55**SECTION 2186**

1 companies as reported for the taxable year on an annual statement that is filed with
2 the commissioner of insurance under s. 601.42 (1g) (a).

3 **SECTION 2187.** 71.45 (3) (b) of the statutes is renumbered 71.45 (3) (b) 1. and
4 amended to read:

5 71.45 (3) (b) 1. The Subject to sub. (3d), the percentage of determined by
6 dividing the payroll, exclusive of life insurance payroll, paid in this state in the
7 taxable year by total payroll, exclusive of life insurance payroll, paid everywhere in
8 the taxable year as reflects such compensation paid outside this state.
9 Compensation.

10 2. Under subd. 1., payroll is paid outside in this state if the individual's service
11 is performed entirely outside in this state; or the individual's service is performed
12 both within and without in and outside this state, but the service performed within
13 outside this state is incidental to the individual's service without in this state; or
14 some service is performed without in this state and the base of operations, or if there
15 is no base of operations, the place from which the service is directed or controlled is
16 without in this state, or the base of operations or the place from which the service is
17 directed or controlled is not in any state in which some part of the service is
18 performed, but the individual's residence is outside in this state.

19 **SECTION 2188.** 71.45 (3d) of the statutes is created to read:

20 71.45 (3d) PHASE IN; DOMESTIC INSURERS. (a) For taxable years beginning after
21 December 31, 2002, and before January 1, 2004, a domestic insurer that is subject
22 to apportionment under sub. (3) and this subsection shall multiply the net income
23 figure derived by the application of sub. (2) by an apportionment fraction composed
24 of the percentage under sub. (3) (a) representing 60% of the fraction and the
25 percentage under sub. (3) (b) 1. representing 40% of the fraction.

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1 (b) For taxable years beginning after December 31, 2003, and before January
2 1, 2005, a domestic insurer that is subject to apportionment under sub. (3) and this
3 subsection shall multiply the net income figure derived by the application of sub. (2)
4 by an apportionment fraction composed of the percentage under sub. (3) (a)
5 representing 80% of the fraction and the percentage under sub. (3) (b) 1. representing
6 20% of the fraction.

7 (c) For taxable years beginning after December 31, 2004, a domestic insurer
8 that is subject to apportionment under sub. (3) and this subsection shall multiply the
9 net income figure derived by the application of sub. (2) by the percentage under sub.
10 (3) (a).

11 **SECTION 2189.** 71.45 (3m) of the statutes is amended to read:

12 71.45 (3m) ARITHMETIC AVERAGE. The Except as provided in sub. (3d), the
13 arithmetic average of the 2 percentages referred to in sub. (3) shall be applied to the
14 net income figure arrived at by the successive application of sub. (2) (a) and (b) with
15 respect to Wisconsin insurers to which sub. (2) (a) and (b) applies and which have
16 ~~collected~~ received premiums, other than life insurance premiums, written upon for
17 insurance, ~~other than life insurance, where the subject of such insurance was on~~
18 property or risks resident, located or to be performed outside this state, to arrive at
19 Wisconsin income constituting the measure of the franchise tax.

20 **SECTION 2190.** 71.45 (6) of the statutes is created to read:

21 71.45 (6) PARTNERSHIPS AND LIMITED LIABILITY COMPANIES. (a) A general or
22 limited partner's share of the numerator and denominator of a partnership's
23 apportionment factors under this section are included in the numerator and
24 denominator of the general or limited partner's apportionment factors under this
25 section.

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1 (b) If a limited liability company is treated as a partnership, for federal tax
2 purposes, a member's share of the numerator and denominator of a limited liability
3 company's apportionment factors under this section are included in the numerator
4 and denominator of the member's apportionment factors under this section.

5 **SECTION 2191.** 71.47 (1dm) of the statutes is created to read:

6 71.47 (1dm) DEVELOPMENT ZONE CAPITAL INVESTMENT CREDIT. (a) In this
7 subsection:

8 1. "Certified" means entitled under s. 560.795 (3) (a) 4. to claim tax benefits or
9 certified under s. 560.795 (5).

10 2. "Claimant" means a person who files a claim under this subsection.

11 3. "Development zone" means a development opportunity zone under s. 560.795
12 (1) (e).

13 4. "Previously owned property" means real property that the claimant or a
14 related person owned during the 2 years prior to the department of commerce
15 designating the place where the property is located as a development zone and for
16 which the claimant may not deduct a loss from the sale of the property to, or an
17 exchange of the property with, the related person under section 267 of the Internal
18 Revenue Code, except that section 267 (b) of the Internal Revenue Code is modified
19 so that if the claimant owns any part of the property, rather than 50% ownership, the
20 claimant is subject to section 267 (a) (1) of the Internal Revenue Code for purposes
21 of this subsection.

22 (b) Subject to the limitations provided in this subsection and in s. 73.03 (35),
23 for any taxable year for which the claimant is certified, a claimant may claim as a
24 credit against the taxes imposed under s. 71.43 an amount that is equal to 3% of the
25 following:

SENATE BILL 55**SECTION 2191**

- 1 1. The purchase price of depreciable, tangible personal property.
- 2 2. The amount expended to acquire, construct, rehabilitate, remodel, or repair
- 3 real property in a development zone.
- 4 (c) A claimant may claim the credit under par. (b) 1., if the tangible personal
- 5 property is purchased after the claimant is certified and the personal property is
- 6 used for at least 50% of its use in the claimant's business at a location in a
- 7 development zone or, if the property is mobile, the property's base of operations for
- 8 at least 50% of its use is at a location in a development zone.
- 9 (d) A claimant may claim the credit under par. (b) 2. for an amount expended
- 10 to construct, rehabilitate, remodel, or repair real property, if the claimant began the
- 11 physical work of construction, rehabilitation, remodeling, or repair, or any
- 12 demolition or destruction in preparation for the physical work, after the place where
- 13 the property is located was designated a development zone, or if the completed
- 14 project is placed in service after the claimant is certified. In this paragraph, "physical
- 15 work" does not include preliminary activities such as planning, designing, securing
- 16 financing, researching, developing specifications, or stabilizing the property to
- 17 prevent deterioration.
- 18 (e) A claimant may claim the credit under par. (b) 2. for an amount expended
- 19 to acquire real property, if the property is not previously owned property and if the
- 20 claimant acquires the property after the place where the property is located was
- 21 designated a development zone, or if the completed project is placed in service after
- 22 the claimant is certified.
- 23 (f) No credit may be allowed under this subsection unless the claimant includes
- 24 with the claimant's return:

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1 1. A copy of a verification from the department of commerce that the claimant
2 may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under s. 560.795 (5).

3 2. A statement from the department of commerce verifying the purchase price
4 of the investment and verifying that the investment fulfills the requirements under
5 par. (b).

6 (g) In calculating the credit under par. (b) a claimant shall reduce the amount
7 expended to acquire property by a percentage equal to the percentage of the area of
8 the real property not used for the purposes for which the claimant is certified and
9 shall reduce the amount expended for other purposes by the amount expended on the
10 part of the property not used for the purposes for which the claimant is certified.

11 (h) The carry-over provisions of s. 71.28 (4) (e) and (f) as they relate to the credit
12 under s. 71.28 (4) relate to the credit under this subsection.

13 (i) Partnerships, limited liability companies, and tax-option corporations may
14 not claim the credit under this subsection, but the eligibility for, and the amount of,
15 that credit shall be determined on the basis of their economic activity, not that of their
16 shareholders, partners, or members. The corporation, partnership, or limited
17 liability company shall compute the amount of credit that may be claimed by each
18 of its shareholders, partners, or members and provide that information to its
19 shareholders, partners, or members. Partners, members of limited liability
20 companies, and shareholders of tax-option corporations may claim the credit based
21 on the partnership's, company's, or corporation's activities in proportion to their
22 ownership interest and may offset it against the tax attributable to their income from
23 the partnership's, company's, or corporation's business operations in the
24 development zone and against the tax attributable to their income from the
25 partnership's, company's, or corporation's directly related business operations.

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1 (j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits
2 becomes ineligible for such tax benefits, or if a person's certification under s. 560.795
3 (5) is revoked, that person may claim no credits under this subsection for the taxable
4 year that includes the day on which the person becomes ineligible for tax benefits,
5 the taxable year that includes the day on which the certification is revoked, or
6 succeeding taxable years, and that person may carry over no unused credits from
7 previous years to offset tax under this chapter for the taxable year that includes the
8 day on which the person becomes ineligible for tax benefits, the taxable year that
9 includes the day on which the certification is revoked, or succeeding taxable years.

10 (k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits
11 or certified under s. 560.795 (5) ceases business operations in the development zone
12 during any of the taxable years that that zone exists, that person may not carry over
13 to any taxable year following the year during which operations cease any unused
14 credits from the taxable year during which operations cease or from previous taxable
15 years.

16 (L) Section 71.28 (4) (g) and (h) as it applies to the credit under s. 71.28 (4)
17 applies to the credit under this subsection.

18 **SECTION 2192.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

19 71.47 (1dx) (a) 5. "Member of a targeted group" means ~~a person under sub. (2d)~~
20 ~~(am) 1.,~~ a person who resides in an empowerment zone, or an enterprise community,
21 that the U.S. government designates, a person who is employed in an unsubsidized
22 job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin
23 works employment position, a person who is employed in a trial job, as defined in s.
24 49.141 (1) (n), ~~or~~ a person who is eligible for child care assistance under s. 49.155, a
25 person who is a vocational rehabilitation referral, an economically disadvantaged

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1 youth, an economically disadvantaged veteran, a supplemental security income
2 recipient, a general assistance recipient, an economically disadvantaged ex-convict,
3 a qualified summer youth employee, as defined in 26 USC 51 (d) (7), or a food stamp
4 recipient; if the person has been certified in the manner under sub. (1dj) (am) 3. by
5 a designated local agency, as defined in sub. (1dj) (am) 2.

6 **SECTION 2193.** 71.47 (3g) of the statutes is created to read:

7 71.47 (3g) TECHNOLOGY ZONES CREDIT. (a) Subject to the limitations under this
8 subsection and ss. 73.03 (35m), and 560.96, a business that is certified under s.
9 560.96 (3) may claim as a credit against the taxes imposed under s. 71.43 an amount
10 equal to the sum of the following, as established under s. 560.96 (3) (c):

11 1. The amount of real and personal property taxes imposed under s. 70.01 that
12 the business paid in the taxable year.

13 2. The amount of income and franchise taxes imposed under s. 71.43 that the
14 business paid in the taxable year.

15 3. The amount of sales and use taxes imposed under ss. 77.52, 77.53, and 77.71
16 that the business paid in the taxable year.

17 (b) The department of revenue shall notify the department of commerce of all
18 claims under this subsection.

19 (c) Section 71.28 (4) (f), (g), and (h), as it applies to the credit under s. 71.28 (4),
20 applies to the credit under par. (a).

21 **SECTION 2194.** 71.49 (1) (emb) of the statutes is created to read:

22 71.49 (1) (emb) Development zone capital investment credit under s. 71.47
23 (1dm).

24 **SECTION 2195.** 71.49 (1) (eon) of the statutes is created to read:

25 71.49 (1) (eon) Technology zones credit under s. 71.47 (3g).

SENATE BILL 55**SECTION 2196**

1 **SECTION 2196.** 71.60 (1) (b) of the statutes is amended to read:

2 71.60 (1) (b) The credit allowed under this subchapter shall be limited to 90%
3 of the first \$2,000 of excessive property taxes plus 70% of the 2nd \$2,000 of excessive
4 property taxes plus 50% of the 3rd \$2,000 of excessive property taxes. The maximum
5 credit shall not exceed \$4,200 for any claimant. The credit for any claimant shall be
6 the greater of either the credit as calculated under this subchapter as it exists at the
7 end of the year for which the claim is filed or as it existed on the date on which the
8 farmland became subject to a current agreement under subch. II ~~or~~ III of ch. 91 or
9 under subch. III of ch. 91, 1999 stats., using for such calculations household income
10 and property taxes accrued of the year for which the claim is filed.

11 **SECTION 2197.** 71.60 (1) (c) 3. of the statutes is amended to read:

12 71.60 (1) (c) 3. If the claimant or any member of the claimant's household owns
13 farmland which is ineligible for credit under subd. 1. or 2. but was subject to a
14 farmland preservation agreement under subch. III of ch. 91, 1999 stats., on July 1
15 of the year for which credit is claimed, or the owner had applied for such an
16 agreement before July 1 of such year, and the agreement has subsequently been
17 executed, and if the owner has applied by the end of the year in which conversion
18 under s. 91.41, 1999 stats., is first possible for conversion of the agreement to a
19 transition area agreement under subch. II of ch. 91, and the transition area
20 agreement has subsequently been executed, and the farmland is located in a city or
21 village which has a certified exclusive agricultural use zoning ordinance under
22 subch. V of ch. 91 in effect at the close of the year for which credit is claimed, or in
23 a town which is subject to a certified county exclusive agricultural use zoning
24 ordinance under subch. V of ch. 91 in effect at the close of the year for which credit
25 is claimed, the amount of the claim shall be that specified in par. (b).

SENATE BILL 55**SECTION 2198**

1 **SECTION 2198.** 71.60 (1) (c) 5. of the statutes is amended to read:

2 71.60 (1) (c) 5. If the claimant or any member of the claimant's household owns
3 farmland which is ineligible for credit under subds. 1. to 4. but was subject to a
4 farmland preservation agreement under subch. III of ch. 91, 1999 stats., on July 1
5 of the year for which credit is claimed, or the owner had applied for such an
6 agreement before July 1 of such year, and the agreement has subsequently been
7 executed, and if the owner has applied by the end of the year in which conversion
8 under s. 91.41, 1999 stats., is first possible for conversion of the agreement to an
9 agreement under subch. II of ch. 91, and the agreement under subch. II of ch. 91 has
10 subsequently been executed, the amount of the claim shall be limited to 80% of that
11 specified in par. (b).

12 **SECTION 2199.** 71.60 (1) (c) 8. of the statutes is amended to read:

13 71.60 (1) (c) 8. If the farmland is subject to a farmland preservation agreement
14 under subch. III of ch. 91, 1999 stats., on July 1 of the year for which credit is claimed,
15 or the claimant had applied for such an agreement before July 1 of such year, and the
16 agreement has subsequently been executed, the amount of the claim shall be limited
17 to 50% of that specified in par. (b).

18 **SECTION 2200.** 71.93 (1) (a) 3. of the statutes is amended to read:

19 71.93 (1) (a) 3. An amount that the department of health and family services
20 may recover under s. 49.45 (2) (a) 10. or 49.497, if the department of health and
21 family services has certified the amount under s. 49.85.

22 **SECTION 2201.** 73.01 (4) (a) of the statutes is amended to read:

23 73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015,
24 the commission shall be the final authority for the hearing and determination of all
25 questions of law and fact arising under sub. (5) and s. 72.86 (4), 1985 stats., and ss.

SENATE BILL 55**SECTION 2201**

1 ~~70.11 (21)~~, 70.38 (4) (a), 70.397, 70.64, and 70.995 (8), s. 76.38 (12) (a), 1993 stats.,
2 ss. 76.39 (4) (c), 76.48 (6), 76.91, 77.26 (3), 77.59 (6) (b), 78.01, 78.22, 78.40, 78.555,
3 139.02, 139.03, 139.06, 139.31, 139.315, 139.33, 139.76, 139.78, 341.405, and 341.45,
4 subch. XIV of ch. 71, and subch. VII of ch. 77. Whenever with respect to a pending
5 appeal there is filed with the commission a stipulation signed by the department of
6 revenue and the adverse party, under s. 73.03 (25), or the department of
7 transportation and the adverse party agreeing to an affirmance, modification, or
8 reversal of the department of revenue's or department of transportation's position
9 with respect to some or all of the issues raised in the appeal, the commission shall
10 enter an order affirming or modifying in whole or in part, or canceling the assessment
11 appealed from, or allowing in whole or in part or denying the petitioner's refund
12 claim, as the case may be, pursuant to and in accordance with the stipulation filed.
13 No responsibility shall devolve upon the commission, respecting the signing of an
14 order of dismissal as to any pending appeal settled by the department of revenue or
15 the department of transportation without the approval of the commission.

16 **SECTION 2202.** 73.01 (5) (a) of the statutes is amended to read:

17 73.01 (5) (a) Any person who is aggrieved by a determination of the state board
18 of assessors under s. 70.995 (8) ~~or by the department of revenue under s. 70.11 (21)~~
19 or who has filed a petition for redetermination with the department of revenue and
20 who is aggrieved by the redetermination of the department of revenue may, within
21 60 days of the determination of the state board of assessors or of the department of
22 revenue or, in all other cases, within 60 days after the redetermination but not
23 thereafter, file with the clerk of the commission a petition for review of the action of
24 the department of revenue and the number of copies of the petition required by rule
25 adopted by the commission. Any person who is aggrieved by a determination of the

SENATE BILL 55**SECTION 2202**

1 department of transportation under s. 341.405 or 341.45 may, within 30 days after
2 the determination of the department of transportation, file with the clerk of the
3 commission a petition for review of the action of the department of transportation
4 and the number of copies of the petition required by rule adopted by the commission.
5 If a municipality appeals, its appeal shall set forth that the appeal has been
6 authorized by an order or resolution of its governing body and the appeal shall be
7 verified by a member of that governing body as pleadings in courts of record are
8 verified. The clerk of the commission shall transmit one copy to the department of
9 revenue, or to the department of transportation, and to each party. In the case of
10 appeals from manufacturing property assessments, the person assessed shall be a
11 party to a proceeding initiated by a municipality. At the time of filing the petition,
12 the petitioner shall pay to the commission a \$25 filing fee. The commission shall
13 deposit the fee in the general fund. Within 30 days after such transmission the
14 department of revenue, except for petitions objecting to manufacturing property
15 assessments, or the department of transportation, shall file with the clerk of the
16 commission an original and the number of copies of an answer to the petition
17 required by rule adopted by the commission and shall serve one copy on the petitioner
18 or the petitioner's attorney or agent. Within 30 days after service of the answer, the
19 petitioner may file and serve a reply in the same manner as the petition is filed. Any
20 person entitled to be heard by the commission under s. 76.38 (12) (a), 1993 stats., or
21 s. 76.39 (4) (c), 76.48, or 76.91 may file a petition with the commission within the time
22 and in the manner provided for the filing of petitions in income or franchise tax cases.
23 Such papers may be served as a circuit court summons is served or by certified mail.
24 For the purposes of this subsection, a petition for review is considered timely filed

SENATE BILL 55**SECTION 2202**

1 if mailed by certified mail in a properly addressed envelope, with postage duly
2 prepaid, which envelope is postmarked before midnight of the last day for filing.

3 **SECTION 2203.** 73.03 (35) of the statutes is amended to read:

4 73.03 (35) To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di),
5 (2dj), (2dL), (2dm), (2dr), (2ds) or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dm), (1dL),
6 (1ds), (1dx), or (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), or
7 (4) (am) if granting the full amount claimed would violate a requirement under s.
8 560.785 or would bring the total of the credits granted to that claimant under all of
9 those subsections over the limit for that claimant under s. 560.768, 560.795 (2) (b),
10 or 560.797 (5) (b).

11 **SECTION 2204.** 73.03 (35m) of the statutes is created to read:

12 73.03 (35m) To deny a portion of a credit claimed under s. 71.07 (3g), 71.28 (3g),
13 or 71.47 (3g), if granting the full amount claimed would violate a requirement under
14 s. 560.96 or would bring the total of the credits claimed under ss. 71.07 (3g), 71.28
15 (3g), and 71.47 (3g) over the limit for all claimants under s. 560.96 (2).

16 **SECTION 2205.** 73.03 (52m) of the statutes is created to read:

17 73.03 (52m) To enter into agreements with other states that provide for
18 offsetting state tax refunds against tax obligations of other states and offsetting tax
19 refunds of other states against state tax obligations, if the agreements provide that
20 setoffs under ss. 71.93 and 71.935 occur before the setoffs under those agreements.

21 **SECTION 2206.** 73.0301 (1) (d) 3. of the statutes is amended to read:

22 73.0301 (1) (d) 3. A license, certificate of approval, ~~provisional~~ probationary
23 license, ~~conditional license~~, certification, certification card, registration, permit,
24 training permit ~~or~~, approval, or conditional license, certification, approval, or
25 registration specified in s. 50.02 (3g), 50.35, 50.49 (6) (a) or (10), 50.93 (3), 51.038,

SENATE BILL 55**SECTION 2206**

1 51.04 (1), (2), or (3), 51.42 (7) (b) 11., 51.421 (3) (a), ~~51.45 (8)~~, 146.40 (3) or (3m), 146.50
2 (5) (a) or (b), (6g) (a), (7) or (8) (a) or (f), 250.05 (5), 252.23 (2), 252.24 (2), 254.176,
3 254.20 (3), 255.08 (2) (a) or 343.305 (6) (a) or a permit for operation of a campground
4 specified in s. 254.47 (1).

5 **SECTION 2207.** 73.0305 of the statutes is amended to read:

6 **73.0305 Revenue limits and intradistrict transfer aid calculations.** The
7 department of revenue shall annually determine and certify to the state
8 superintendent of public instruction, no later than the 4th Monday in June, the
9 allowable rate of increase under s. ~~121.85 (6) (ar)~~ and subch. VII of ch. ~~121~~ 121.91
10 (2m) (d). The allowable rate of increase is the percentage change in the consumer
11 price index for all urban consumers, U.S. city average, between the preceding March
12 31 and the 2nd preceding March 31, as computed by the federal department of labor.

13 **SECTION 2208.** 74.23 (1) (a) 2. of the statutes is amended to read:

14 74.23 (1) (a) 2. Pay to the proper treasurer all collections of special
15 assessments, special charges and special taxes, except that occupational taxes under
16 ss. 70.40 to ~~70.425~~ 70.421 and forest cropland, woodland and managed forest land
17 taxes under ch. 77 shall be settled for under s. 74.25 (1) (a) 1. to 8.

18 **SECTION 2209.** 74.23 (1) (a) 5. of the statutes is created to read:

19 74.23 (1) (a) 5. Pay to each taxing jurisdiction within the district its
20 proportionate share of the taxes and interest under s. 70.995 (12) (a).

21 **SECTION 2210.** 74.23 (1) (b) of the statutes is amended to read:

22 74.23 (1) (b) *General property taxes.* After making the distribution under par.
23 (a), the taxation district treasurer shall pay to each taxing jurisdiction within the
24 district its proportionate share of general property taxes, except that the treasurer
25 shall pay the state's proportionate share to the county. As part of that distribution,

SENATE BILL 55**SECTION 2210**

1 the taxation district treasurer shall retain for the taxation district and for each tax
2 incremental district within the taxation district and each environmental
3 remediation tax incremental district created by the taxation district its
4 proportionate share of general property taxes. The taxation district treasurer shall
5 also distribute to the county the proportionate share of general property taxes for
6 each environmental remediation tax incremental district created by the county.

7 **SECTION 2211.** 74.25 (1) (a) 2. of the statutes is amended to read:

8 74.25 (1) (a) 2. Pay to the proper treasurer all collections of special
9 assessments, special charges and special taxes, except that occupational taxes under
10 ss. 70.40 to ~~70.425~~ 70.421 and forest cropland, woodland and managed forest land
11 taxes under ch. 77 shall be settled for under subds. 5. to 8.

12 **SECTION 2212.** 74.25 (1) (a) 3. of the statutes is amended to read:

13 74.25 (1) (a) 3. Retain all collections of special assessments, special charges and
14 special taxes due to the taxation district, except that occupational taxes under ss.
15 70.40 to ~~70.425~~ 70.421 and forest cropland, woodland and managed forest land taxes
16 under ch. 77 shall be settled for under subds. 5. to 8.

17 **SECTION 2213.** 74.25 (1) (a) 4m. of the statutes is created to read:

18 74.25 (1) (a) 4m. Pay to each taxing jurisdiction within the district its
19 proportionate share of the taxes and interest under s. 70.995 (12) (a).

20 **SECTION 2214.** 74.25 (1) (b) 1. of the statutes is amended to read:

21 74.25 (1) (b) 1. Pay in full to each taxing jurisdiction within the district all
22 personal property taxes included in the tax roll which have not previously been paid
23 to, or retained by, that taxing jurisdiction, except that the treasurer shall pay the
24 state's proportionate share to the county. As part of that distribution, the taxation
25 district treasurer shall allocate to each tax incremental district within the taxation

SENATE BILL 55**SECTION 2214**

1 district and each environmental remediation tax incremental district created by the
2 taxation district its proportionate share of personal property taxes. The taxation
3 district treasurer shall also distribute to the county the proportionate share of
4 general property taxes for each environmental remediation tax incremental district
5 created by the county.

6 **SECTION 2215.** 74.25 (1) (b) 2. of the statutes is amended to read:

7 74.25 (1) (b) 2. Pay to each taxing jurisdiction within the district its
8 proportionate share of real property taxes, except that the treasurer shall pay the
9 state's proportionate share to the county. As part of that distribution, the taxation
10 district treasurer shall retain for the taxation district and for each tax incremental
11 district within the taxation district and each environmental remediation tax
12 incremental district created by the taxation district its proportionate share of real
13 property taxes. The taxation district treasurer shall also distribute to the county the
14 proportionate share of general property taxes for each environmental remediation
15 tax incremental district created by the county.

16 **SECTION 2216.** 74.30 (1) (b) of the statutes is amended to read:

17 74.30 (1) (b) Pay to the proper treasurer all collections of special assessments,
18 special charges and special taxes, except that occupational taxes under ss. 70.40 to
19 ~~70.425~~ 70.421 and forest cropland, woodland and managed forest land taxes under
20 ch. 77 shall be settled for under pars. (e) to (h).

21 **SECTION 2217.** 74.30 (1) (c) of the statutes is amended to read:

22 74.30 (1) (c) Retain all collections of special assessments, special charges and
23 special taxes due to the taxation district, except that occupational taxes under ss.
24 70.40 to ~~70.425~~ 70.421 and forest cropland, woodland and managed forest land taxes
25 under ch. 77 shall be settled for under pars. (e) to (h).

SENATE BILL 55**SECTION 2218**

1 **SECTION 2218.** 74.30 (1) (dm) of the statutes is created to read:

2 74.30 (1) (dm) Pay to each taxing jurisdiction within the district its
3 proportionate share of the taxes and interest under s. 70.995 (12) (a).

4 **SECTION 2219.** 74.30 (1) (i) of the statutes is amended to read:

5 74.30 (1) (i) Pay in full to each taxing jurisdiction within the district all
6 personal property taxes included in the tax roll which have not previously been paid
7 to, or retained by, each taxing jurisdiction, except that the treasurer shall pay the
8 state's proportionate share to the county. As part of that distribution, the taxation
9 district treasurer shall allocate to each tax incremental district within the taxation
10 district and each environmental remediation tax incremental district created by the
11 taxation district its proportionate share of personal property taxes. The taxation
12 district treasurer shall also distribute to the county the proportionate share of
13 general property taxes for each environmental remediation tax incremental district
14 created by the county.

15 **SECTION 2220.** 74.30 (1) (j) of the statutes is amended to read:

16 74.30 (1) (j) Pay to each taxing jurisdiction within the district its proportionate
17 share of real property taxes, except that the treasurer shall pay the state's
18 proportionate share to the county. As part of that distribution, the taxation district
19 treasurer shall retain for the taxation district and for each tax incremental district
20 within the taxation district and each environmental remediation tax incremental
21 district created by the taxation district its proportionate share of real property taxes.
22 The taxation district treasurer shall also distribute to the county the proportionate
23 share of general property taxes for each environmental remediation tax incremental
24 district created by the county.

25 **SECTION 2221.** 74.30 (2) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 2221**

1 74.30 (2) (b) Pay to each taxing jurisdiction within the district its proportionate
2 share of real property taxes collected, except that the taxation district treasurer shall
3 pay the state's proportionate share to the county, and the county treasurer shall
4 settle for that share under s. 74.29. As part of that distribution, the taxation district
5 treasurer shall retain for the taxation district and for each tax incremental district
6 within the taxation district and each environmental remediation tax incremental
7 district created by the taxation district its proportionate share of real property taxes.
8 The taxation district treasurer shall also distribute to the county the proportionate
9 share of general property taxes for each environmental remediation tax incremental
10 district created by the county.

11 **SECTION 2222.** 74.35 (3) (c) of the statutes is amended to read:

12 74.35 (3) (c) If the governing body of the taxation district determines that an
13 unlawful tax has been paid and that the claim for recovery of the unlawful tax has
14 complied with all legal requirements, the governing body shall allow the claim. ~~The~~
15 Except as provided in par. (cm), the taxation district treasurer shall pay the claim
16 not later than 90 days after the claim is allowed.

17 **SECTION 2223.** 74.35 (3) (cm) of the statutes is created to read:

18 74.35 (3) (cm) A municipality may pay a refund under par. (c) of the taxes on
19 property that is assessed under s. 70.995 in 5 annual installments, each of which
20 except the last is equal to at least 20% of the sum of the refund and the interest on
21 the refund, beginning in the year of the determination under par. (c), if all of the
22 following conditions exist:

23 1. The municipality's property tax levy for its general operations for the year
24 for which the taxes to be refunded are due is less than \$100,000,000.

SENATE BILL 55**SECTION 2223**

1 2. The refund is at least 0.0025% of the municipality's levy for its general
2 operations for the year for which the taxes to be refunded are due.

3 3. The refund is more than \$10,000.

4 **SECTION 2224.** 74.37 (3) (c) of the statutes is amended to read:

5 74.37 (3) (c) If the governing body of the taxation district or county that has a
6 county assessor system determines that a tax has been paid which was based on an
7 excessive assessment, and that the claim for an excessive assessment has complied
8 with all legal requirements, the governing body shall allow the claim. The Except
9 as provided in par. (cm), the taxation district or county treasurer shall pay the claim
10 not later than 90 days after the claim is allowed.

11 **SECTION 2225.** 74.37 (3) (cm) of the statutes is created to read:

12 74.37 (3) (cm) A municipality may pay a refund under par. (c) of the taxes on
13 property that is assessed under s. 70.995 in 5 annual installments, each of which
14 except the last is equal to at least 20% of the sum of the refund and the interest on
15 the refund, beginning in the year of the determination under par. (c), if all of the
16 following conditions exist:

17 1. The municipality's property tax levy for its general operations for the year
18 for which the taxes to be refunded are due is less than \$100,000,000.

19 2. The refund is at least 0.0025% of the municipality's levy for its general
20 operations for the year for which the taxes to be refunded are due.

21 3. The refund is more than \$10,000.

22 **SECTION 2226.** 74.41 (1) (d) of the statutes is created to read:

23 74.41 (1) (d) Have been corrected under s. 70.73 (1m).

24 **SECTION 2227.** 75.001 (2) of the statutes is amended to read:

SENATE BILL 55**SECTION 2227**

1 75.001 (2) "Tax deed" means a tax deed executed under s. 75.107 or 75.14, a
2 deed executed under s. 75.19 or a judgment issued under s. 75.521.

3 **SECTION 2228.** 75.107 of the statutes is created to read:

4 **75.107 Tax deed of property contaminated by a hazardous substance.**

5 **(1) DEFINITIONS.** In this section:

6 (a) "Brownfield" has the meaning given in s. 560.13 (1) (a).

7 (b) "Department" means the department of natural resources.

8 (c) "Discharge" has the meaning given in s. 292.01 (3).

9 (d) "Hazardous substance" has the meaning given in s. 292.01 (5).

10 **(2) TAX DEED.** If any property subject to a tax deed is not redeemed within the
11 time period provided under s. 74.57 (2) (b) (intro.), the governing body of the county
12 in which the property is located may direct the county clerk to execute a tax deed of
13 the property if all of the following apply:

14 (a) The county clerk complies with s. 75.14 (2) as it relates to the property.

15 (b) The governing body of the county provides written notice to the governing
16 body of the municipality in which the property is located at least 15 days before the
17 governing body of the county meets to consider approving executing the tax deed.

18 (c) The property is a brownfield.

19 (d) An environmental assessment of the property has been conducted and the
20 results of that assessment are provided to the department.

21 (e) If the property is contaminated by a hazardous substance, as determined
22 by the assessment under par. (d), and the person to whom the tax deed is to be
23 executed agrees to accept the tax deed regardless of the contamination, the person
24 enters into an agreement with the department to, pursuant to rules promulgated by
25 the department, investigate and clean up the property to the extent practicable;

SENATE BILL 55**SECTION 2228**

1 minimize the harmful effects from the hazardous substance; and maintain and
2 monitor the property.

3 **(3) ADMINISTRATION.** Section 75.14 (1) and (4), as it applies to issuing a tax deed
4 under that section, applies to issuing a tax deed under sub. (2), except that a person
5 who accepts a tax deed under sub. (2) shall take title to, and is the owner of the
6 property. A person who accepts a tax deed under sub. (2) may commence an action
7 to bar any former owner of the property, and anyone claiming under a former owner,
8 from all right, title, interest, or claim in the property in the manner specified under
9 ss. 75.39 to 75.42.

10 **SECTION 2229.** 75.69 (1m) (c) of the statutes is created to read:

11 75.69 **(1m)** (c) Notwithstanding sub. (1), a county may sell tax delinquent real
12 property acquired by the county without using a competitive bidding process, if all
13 of the following apply:

14 1. The county provides written notice of the sale to the clerk of the municipality
15 in which the property is located at least 15 days before the sale.

16 2. The property is contaminated by a hazardous substance, as defined in s.
17 292.01 (5).

18 3. The property is a brownfield, as defined in s. 560.13 (1) (a).

19 4. An environmental assessment of the property has been conducted and the
20 results of that assessment are provided to the department of natural resources.

21 5. The purchaser of the property enters into an agreement with the department
22 of natural resources to, pursuant to rules that the department promulgates,
23 investigate and clean up the property to the extent practicable; minimize any
24 harmful effects from the hazardous substance; and maintain and monitor the
25 property.

SENATE BILL 55**SECTION 2230**

1 **SECTION 2230.** 75.69 (4) of the statutes is amended to read:

2 75.69 (4) ~~No~~ Except as provided in sub. (1m) (c) 1., no tax delinquent real estate
3 may be sold by a county under this section unless notice of such sale is mailed to the
4 clerk of the municipality in which the real estate is located at least 3 weeks prior to
5 the time of the sale. Any county may sell tax delinquent real estate by open or closed
6 bid.

7 **SECTION 2231.** 76.02 (1) of the statutes is amended to read:

8 76.02 (1) “Air carrier company” means any person engaged in the business of
9 transportation in aircraft of persons or property for hire on regularly scheduled
10 flights, except an air carrier company whose property is exempt from taxation under
11 s. 70.11 (42) (b). In this subsection, “aircraft” means a completely equipped operating
12 unit, including spare flight equipment, used as a means of conveyance in air
13 commerce.

14 **SECTION 2232.** 76.025 (2) of the statutes is amended to read:

15 76.025 (2) If the property of any company defined in s. 76.28 (1), except a
16 qualified wholesale electric company as defined in s. 76.28 (1) (gm) and a wholesale
17 merchant plant as defined in s. 196.491 (1) (w), is located entirely within a single
18 town, village or city, it shall be subject to local assessment and taxation.

19 **SECTION 2233.** 76.28 (1) (e) (intro.) of the statutes is amended to read:

20 76.28 (1) (e) (intro.) “Light, heat and power companies” means any person,
21 association, company or corporation, including corporations described in s. 66.0813,
22 qualified wholesale electric companies, wholesale merchant plants as defined in s.
23 196.491 (1) (w), and transmission companies and except only business enterprises
24 carried on exclusively either for the private use of the person, association, company
25 or corporation engaged in them, or for the private use of a person, association,

SENATE BILL 55**SECTION 2233**

1 company or corporation owning a majority of all outstanding capital stock or who
2 control the operation of business enterprises and except electric cooperatives taxed
3 under s. 76.48 that engage in any of the following businesses:

4 **SECTION 2234.** 76.28 (1) (f) of the statutes is amended to read:

5 76.28 (1) (f) "Payroll factor" means a fraction the numerator of which is the total
6 amount paid in this state during the tax period by the taxpayer for compensation and
7 the denominator of which is the total compensation paid everywhere during the tax
8 period, except that compensation solely related to the production of nonoperating
9 revenues shall be excluded from the numerator and denominator of the payroll factor
10 and except that compensation related to the production of both operating and
11 nonoperating revenue shall be partially excluded from the numerator and
12 denominator of the payroll factor so as to exclude as near as possible the portion of
13 compensation related to the production of nonoperating revenue. Compensation is
14 paid in this state if the individual's service is performed entirely within this state,
15 or if the individual's service is performed both within and outside this state but the
16 service performed outside this state is incidental to the individual's service within
17 this state, or if some of the service is performed in this state and the base of operations
18 or, if there is no base of operations, the place from which the service is directed or
19 controlled is in this state or the base of operations or the place from which the service
20 is directed or controlled is not in any state in which part of the service is performed
21 and the individual's residence is in this state. In this paragraph, "compensation"
22 includes management and service fees paid to an affiliated service corporation
23 pursuant to 15 USC 79.

24 **SECTION 2235.** 76.28 (2) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 2235**

1 76.28 (2) (a) ~~There~~ Except as provided in s. 76.29, there is imposed on every
2 light, heat and power company an annual license fee to be assessed by the
3 department on or before May 1, 1985, and every May 1 thereafter measured by the
4 gross revenues of the preceding year, excluding gross revenues under s. 76.29, at the
5 rates and by the methods set forth under pars. (b) to (d). The fee shall become
6 delinquent if not paid when due and when delinquent shall be subject to interest at
7 the rate of 1.5% per month until paid. Payment in full of the May 1 assessment
8 constitutes a license to carry on business for the 12-month period commencing on the
9 preceding January 1.

10 **SECTION 2236.** 76.29 of the statutes is created to read:

11 **76.29 License fee for selling electricity at wholesale. (1) DEFINITIONS.**

12 In this section:

13 (a) "Apportionment factor" has the meaning given in s. 76.28 (1) (a).

14 (b) "Department" means the department of revenue.

15 (c) "Electric cooperative" has the meaning given in s. 76.48 (1g) (c).

16 (d) "Gross revenues" means total revenues from the sale of electricity for resale
17 by the purchaser of the electricity.

18 (e) "Light, heat, and power companies" has the meaning given in s. 76.28 (1)
19 (e).

20 (f) "Tax period" means each calendar year or portion of a calendar year from
21 January 1, 2003, to December 31, 2008.

22 **(2) IMPOSITION.** There is imposed on every light, heat, and power company and
23 electric cooperative that owns an electric utility plant, an annual license fee to be
24 assessed by the department on or before May 1, 2004, and every May 1 thereafter,
25 ending with the assessment on May 1, 2009, measured by the gross revenues of the

SENATE BILL 55**SECTION 2236**

1 preceding tax period in an amount equal to the apportionment factor multiplied by
2 gross revenues multiplied by 1.59%. The fee shall become delinquent if not paid
3 when due and when delinquent shall be subject to interest at the rate of 1.5% per
4 month until paid.

5 **(3) ADMINISTRATION.** Section 76.28 (3) (c) and (4) to (11), as it applies to the fee
6 imposed under s. 76.28 (2), applies to the fee imposed under this section.

7 **SECTION 2237.** 76.48 (1r) of the statutes is amended to read:

8 76.48 (1r) ~~Every~~ Except as provided in s. 76.29, every electric cooperative shall
9 pay, in lieu of other general property and income or franchise taxes, an annual license
10 fee equal to its apportionment factor multiplied by its gross revenues, excluding
11 gross revenues under s. 76.29, multiplied by 3.19%. Real estate and personal
12 property not used primarily for the purpose of generating, transmitting or
13 distributing electric energy are subject to general property taxes. If a general
14 structure is used in part to generate, transmit or distribute electric energy and in
15 part for nonoperating purposes, the license fee imposed by this section is in place of
16 the percentage of all other general property taxes that fairly measures and
17 represents the extent of the use in generating, transmitting or distributing electric
18 energy, and the balance is subject to local assessment and taxation, except that the
19 entire general structure is subject to special assessments for local improvements.

20 **SECTION 2238.** 76.60 of the statutes is amended to read:

21 **76.60 Fire and marine insurers; license fees.** Every insurer doing a fire
22 or marine insurance business, other than domestic insurers and insurers excepted
23 under s. 76.61, shall pay to the state, in respect to marine insurance a tax of 0.5% and
24 in respect to fire insurance a tax of 2.375% on the amount of its gross premiums, as
25 calculated under s. 76.62. In case any insurer discontinues business in this state and

SENATE BILL 55**SECTION 2238**

1 reinsures the whole or a part of its risks without making payment of this tax, the
2 insurer accepting such reinsurance shall pay the tax. If several insurers make such
3 reinsurance the tax shall be apportioned among the insurers in proportion to the
4 original premiums upon the business in this state so reinsured by each such insurer.
5 Upon the payment of the tax provided in this section, and the fees required by under
6 s. 601.31, such insurer may be licensed to transact its business until May 1 in the
7 ensuing year, unless before then its license is revoked or forfeited according to law.

8 **SECTION 2239.** 76.61 of the statutes is amended to read:

9 **76.61 Town mutual insurers; taxes, charges, dues, and license fees.** No
10 town mutual insurer organized under or subject to ch. 612 shall be required to pay
11 any taxes, charges, dues, or license fees to the state except those charges and dues
12 provided for in under ss. 601.31, 601.32, 601.45, and 601.93.

13 **SECTION 2240.** 76.68 (1) of the statutes is amended to read:

14 76.68 (1) Every license issued under this subchapter and chs. 600 to 646 shall
15 certify that payment of the license fee or tax and the fee required by s. 601.31 (1) (b)
16 or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b) has been
17 made paid, be signed by the commissioner of insurance, and be in a form approved
18 by the attorney general.

19 **SECTION 2241.** 76.68 (2) of the statutes is amended to read:

20 76.68 (2) No suit may be brought to restrain or enjoin the collection of any
21 license fee or tax imposed or provided for by this subchapter, and or the fees required
22 by under s. 601.31. Any insurer aggrieved by the payment of any such license or
23 other fee or tax may maintain a suit against the state for the recovery thereof in the
24 circuit court for Dane County within 6 months from the time of the payment. The
25 state may be served in the suit as provided in s. 801.11 (3).

SENATE BILL 55**SECTION 2242**

1 **SECTION 2242.** 76.68 (4) of the statutes is amended to read:

2 76.68 (4) The attorney general shall institute suit in the circuit court for Dane
3 County to recover any license fees or tax not paid within the time prescribed by this
4 subchapter, and the fees required by under s. 601.31. Nothing in this subsection
5 shall be construed as amending or modifying in any respect ch. 775.

6 **SECTION 2243.** 76.81 of the statutes is amended to read:

7 **76.81 Imposition.** There is imposed a tax on the real property of, and the
8 tangible personal property of, every telephone company, excluding property that is
9 exempt from the property tax under s. 70.11 (39), motor vehicles that are exempt
10 under s. 70.112 (5), property that is used less than 50% in the operation of a telephone
11 company, as provided under s. 70.112 (4) (b), and treatment plant and pollution
12 abatement equipment that is exempt under s. 70.11 (21) (a). Except as provided in
13 s. 76.815, the rate for the tax imposed on each description of real property and on each
14 item of tangible personal property is the net rate for the prior year for the tax under
15 ch. 70 in the taxing jurisdictions where the description or item is located. The real
16 and tangible personal property of a telephone company shall be assessed as provided
17 under s. 70.112 (4) (b).

18 **SECTION 2244.** 77.51 (20) of the statutes is amended to read:

19 77.51 (20) “Tangible personal property” means all tangible personal property
20 of every kind and description and includes electricity, natural gas, steam, and water,
21 and also leased property affixed to realty if the lessor has the right to remove the
22 property upon breach or termination of the lease agreement, unless the lessor of the
23 property is also the lessor of the realty to which the property is affixed. “Tangible
24 personal property” also includes coins and stamps of the United States sold or traded

SENATE BILL 55**SECTION 2244**

1 as collectors' items above their face value and computer programs ~~except, including~~
2 custom computer programs.

3 **SECTION 2245.** 77.52 (2) (a) 10. of the statutes is amended to read:

4 77.52 (2) (a) 10. ~~Except for installing or applying tangible personal property~~
5 ~~which, when installed or applied, will constitute an addition or capital improvement~~
6 ~~of real property, the~~ The repair, service, alteration, fitting, cleaning, painting,
7 coating, towing, inspection and maintenance of all items of tangible personal
8 property unless, at the time of such repair, service, alteration, fitting, cleaning,
9 painting, coating, towing, inspection or maintenance, a sale in this state of the type
10 of property repaired, serviced, altered, fitted, cleaned, painted, coated, towed,
11 inspected or maintained would have been exempt to the customer from sales taxation
12 under this subchapter, other than the exempt sale of a motor vehicle or truck body
13 to a nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51
14 (14r). For purposes of this paragraph, the following items shall be deemed to have
15 retained their character as tangible personal property, regardless of the extent to
16 which any such item is fastened to, connected with or built into real property:
17 furnaces, boilers, stoves, ovens, including associated hoods and exhaust systems,
18 heaters, air conditioners, humidifiers, dehumidifiers, refrigerators, coolers, freezers,
19 water pumps, water heaters, water conditioners and softeners, clothes washers,
20 clothes dryers, dishwashers, garbage disposal units, radios and radio antennas,
21 incinerators, television receivers and antennas, record players, tape players,
22 jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs,
23 bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps,
24 electronic dust collectors, grills and rotisseries, bar equipment, intercoms,
25 recreational, sporting, gymnasium and athletic goods and equipment including by

SENATE BILL 55**SECTION 2245**

1 way of illustration but not of limitation bowling alleys, golf practice equipment, pool
2 tables, punching bags, ski tows and swimming pools; ~~office, restaurant and tavern~~
3 ~~type equipment in offices, business facilities, schools, and hospitals but not in~~
4 ~~residential facilities including personal residences, apartments, long-term care~~
5 ~~facilities, as defined under s. 16.009 (1) (em), state institutions, as defined under s.~~
6 ~~101.123 (1) (i), or similar facilities, including by way of illustration but not of~~
7 limitation lamps, chandeliers, and fans, venetian blinds, canvas awnings, office and
8 business machines, ice and milk dispensers, beverage-making equipment, vending
9 machines, soda fountains, steam warmers and tables, compressors, condensing units
10 and evaporative condensers, pneumatic conveying systems; laundry, dry cleaning,
11 and pressing machines, power tools, burglar alarm and fire alarm fixtures, electric
12 clocks and electric signs. “Service” does not include services performed by
13 veterinarians.

14 **SECTION 2246.** 77.54 (9a) (a) of the statutes is amended to read:

15 77.54 (9a) (a) This state or any agency thereof and, the University of Wisconsin
16 Hospitals and Clinics Authority, and the Fox River Navigational System Authority.

17 **SECTION 2247.** 77.65 of the statutes is created to read:

18 **77.65 Determination of sales and use tax receipts for aeronautical**
19 **activities.** By July 1, 2004, and every July 1 thereafter, the department shall
20 determine, and deposit in the transportation fund, the total amount of the sales tax
21 and use tax, as imposed under ss. 77.52 and 77.53, paid in the immediately preceding
22 calendar year on the sale and use of noncommercial aircraft.

23 **SECTION 2248.** 77.92 (4) of the statutes is amended to read:

24 77.92 (4) “Net business income”, with respect to a partnership, means taxable
25 income as calculated under section 703 of the Internal Revenue Code; plus the items

SENATE BILL 55**SECTION 2248**

1 of income and gain under section 702 of the Internal Revenue Code, including taxable
2 state and municipal bond interest and excluding nontaxable interest income or
3 dividend income from federal government obligations; minus the items of loss and
4 deduction under section 702 of the Internal Revenue Code, except items that are not
5 deductible under s. 71.21; plus guaranteed payments to partners under section 707
6 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
7 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), and (3g), and (3s); and plus or minus, as
8 appropriate, transitional adjustments, depreciation differences, and basis
9 differences under s. 71.05 (13), (15), (16), (17), and (19); but excluding income, gain,
10 loss, and deductions from farming. "Net business income", with respect to a natural
11 person, estate, or trust, means profit from a trade or business for federal income tax
12 purposes and includes net income derived as an employee as defined in section 3121
13 (d) (3) of the Internal Revenue Code.

14 **SECTION 2249.** 77.94 (1) (b) of the statutes is amended to read:

15 77.94 (1) (b) On an entity under s. 77.93 (2) ~~or~~ (3), or (5), except an entity that
16 has less than \$4,000,000 of gross receipts, an amount equal to the amount calculated
17 by multiplying net business income as allocated or apportioned to this state by means
18 of the methods under s. 71.04, for the taxable year of the entity by 0.2 %, up to a
19 maximum of \$9,800, or \$25, whichever is greater.

20 **SECTION 2250.** 77.94 (1) (c) of the statutes is repealed.

21 **SECTION 2251.** 77.996 (2) (intro.) of the statutes is amended to read:

22 77.996 (2) (intro.) "Dry cleaning facility" means a facility that ~~dry~~ cleans
23 apparel or household fabrics for the general public using a dry cleaning product,
24 other than the following facilities:

25 **SECTION 2252.** 77.996 (3) of the statutes is amended to read:

SENATE BILL 55**SECTION 2252**

1 77.996 (3) “Dry cleaning solvent product” means a ~~chlorine-based or~~
2 ~~hydrocarbon-based formulation or product that is used as a primary cleaning agent~~
3 ~~in dry cleaning facilities~~ hazardous substance used to clean apparel or household
4 fabrics, except a hazardous substance used to launder apparel or household
5 products.

6 **SECTION 2253.** 77.9962 of the statutes is amended to read:

7 **77.9962 Dry cleaning solvents products fee.** There is imposed on each
8 person who sells a dry cleaning solvent product to a dry cleaning facility a fee equal
9 to \$5 per gallon of perchloroethylene sold and 75 cents per gallon of ~~a~~
10 ~~hydrocarbon-based solvent~~ any dry cleaning product sold, other than
11 perchloroethylene. The fees for the previous 3 months are due on January 25, April
12 25, July 25, and October 25.

13 **SECTION 2254.** 77.9963 of the statutes is repealed.

14 **SECTION 2255.** 78.55 (1) of the statutes is amended to read:

15 78.55 (1) “Air carrier company” has the meaning given in s. ~~76.02 (1)~~ 70.11 (42)
16 (a) 1.

17 **SECTION 2256.** 79.005 (1) of the statutes is amended to read:

18 79.005 (1) “Municipality” means any town, village, or city in this state. If a
19 municipality is located in more than one county, payments under this subchapter
20 shall be computed using data for the municipality as a whole. If a municipality is
21 located in more than one growth-sharing region, as defined in s. 79.065 (1) (d),
22 payments under s. 79.065 (3) shall be computed using data for the portion of the
23 municipality that is located in each growth-sharing region.

24 **SECTION 2257.** 79.005 (2) of the statutes is amended to read:

SENATE BILL 55**SECTION 2257**

1 79.005 (2) "Population" means the number of persons residing in each
2 municipality and county of the state as last determined by the department of
3 administration under s. 16.96, except that under s. 79.065 (3) (b), if a municipality
4 is located in more than one growth-sharing region, "population" means the number
5 of persons residing in the portion of the municipality located in each growth-sharing
6 region.

7 **SECTION 2258.** 79.01 (1) of the statutes is amended to read:

8 79.01 (1) There is established an account in the general fund entitled the
9 "Expenditure Restraint Program Account". Account. There shall be appropriated
10 to that account \$25,000,000 in 1991, in 1992, and in 1993; \$42,000,000 in 1994;
11 \$48,000,000 in each year beginning in 1995 and ending in 1999 and; \$57,000,000
12 beginning in the year 2000 and ending in 2001; and \$63,000,000 in 2002 and in each
13 year thereafter.

14 **SECTION 2259.** 79.01 (2) of the statutes is amended to read:

15 79.01 (2) There is established an account in the general fund entitled the
16 "~~Municipal and County Shared Revenue Account,~~", referred to in this chapter as the
17 "shared revenue account.". There shall be appropriated to the shared revenue
18 account the sums specified in ss. 79.03 and, 79.04, and 79.06.

19 **SECTION 2260.** 79.01 (5) of the statutes is created to read:

20 79.01 (5) There is established an account in the general fund entitled the
21 "Municipal Growth-Sharing Account." There shall be appropriated to that account
22 an amount, determined by the department of revenue, that is equal to the sales and
23 use tax revenue collected under subch. III of ch. 77 in the fiscal year prior to the fiscal
24 year that any municipality receives the statement under s. 79.015 multiplied by .05.

25 **SECTION 2261.** 79.01 (6) of the statutes is created to read:

SENATE BILL 55**SECTION 2261**

1 79.01 (6) There is established an account in the general fund entitled the
2 “Municipal Services Aid Account.” There shall be appropriated to that account the
3 amounts necessary to make the payments to municipalities under ss. 79.04 (1) and
4 (4) (a) and 79.065 (2) and to make the payments to municipalities under s. 79.065 (5)
5 that are not paid from s. 20.835 (1) (dd).

6 **SECTION 2262.** 79.015 of the statutes is amended to read:

7 **79.015 Statement of estimated payments.** The department of revenue, on
8 or before September 15 of each year, shall provide to each municipality and county
9 a statement of estimated payments to be made in the next calendar year to the
10 municipality or county under ss. 79.03, 79.04, 79.05, 79.058 ~~and~~, 79.06, and 79.065.

11 **SECTION 2263.** 79.02 (2) (b) of the statutes is amended to read:

12 79.02 (2) (b) Subject to s. 59.605 (4), payments in July shall equal 15% of the
13 municipality’s or county’s estimated payments under ss. 79.03, 79.04, 79.058 ~~and~~,
14 79.06, and 79.065, minus any amount deducted from a municipality’s payment as
15 provided in a statement concerning the municipality under ss. 6.50 (2s) and 7.08 (7),
16 and 100% of the municipality’s estimated payments under s. 79.05.

17 **SECTION 2264.** 79.02 (3) of the statutes is amended to read:

18 79.02 (3) Subject to s. 59.605 (4), payments to each municipality and county in
19 November shall equal that municipality’s or county’s entitlement to shared revenues
20 under ss. 79.03, 79.04, 79.05, 79.058 ~~and~~, 79.06, and 79.065 for the current year,
21 minus the amount distributed to the municipality or county in July and minus any
22 amount deducted from a municipality’s entitlement as provided in a statement
23 concerning the municipality under ss. 6.50 (2s) and 7.08 (7).

24 **SECTION 2265.** 79.03 (1) of the statutes is amended to read:

SENATE BILL 55**SECTION 2265**

1 79.03 (1) Each ~~municipality and county~~ is entitled to shared revenue,
2 consisting of an in the amount determined on the basis of population under sub. (2),
3 plus an amount determined under sub. (3).

4 **SECTION 2266.** 79.03 (2) of the statutes is repealed.

5 **SECTION 2267.** 79.03 (3) (a) of the statutes is amended to read:

6 79.03 (3) (a) The amount in the shared revenue account for ~~municipalities and~~
7 ~~the amount in the shared revenue account for~~ counties, less the payments under sub.
8 (2) and s. 79.04, shall be allocated to each ~~municipality and county~~ respectively in
9 proportion to its entitlement. In this paragraph, "entitlement" means the product
10 of aidable revenues and tax base weight.

11 **SECTION 2268.** 79.03 (3) (b) 1. of the statutes is amended to read:

12 79.03 (3) (b) 1. "Aidable revenues" means:

13 a. ~~For a municipality, the average local purpose revenues.~~

14 b. ~~For a county, 85% of the average local purpose revenue.~~

15 **SECTION 2269.** 79.03 (3) (b) 3. of the statutes is amended to read:

16 79.03 (3) (b) 3. "Full valuation" means the full value of property that is exempt
17 under s. 70.11 (39) as determined under s. 79.095 (3) plus the full value of all taxable
18 property for the preceding year as equalized for state tax purposes, except that for
19 ~~municipalities the value of real estate assessed under s. 70.995 is excluded. Value~~
20 value increments under s. 66.1105 plus the full value of property that is exempt
21 under s. 70.11 (39) that would otherwise be part of a value increment are included
22 ~~for municipalities but excluded for counties.~~ Environmental remediation value
23 increments under s. 66.1106 are included for ~~municipalities and counties~~ that create
24 the environmental remediation tax incremental district and are excluded for units
25 of government counties that do not create the district. ~~If property that had been~~

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1 assessed under s. 70.995 and that has a value exceeding 10% of a municipality's value
2 is assessed under s. 70.10, 30% of that property's full value is included in "full
3 valuation" for purposes of the shared revenue payments in the year after the
4 assessment under s. 70.10, 65% of that property's full value is included in "full
5 valuation" for purposes of the shared revenue payments in the year 2 years after the
6 assessment under s. 70.10 and 100% of that property's full value is included in "full
7 valuation" for purposes of subsequent shared revenue payments.

8 **SECTION 2270.** 79.03 (3) (b) 4. (intro.) of the statutes is amended to read:

9 79.03 (3) (b) 4. (intro.) "Local purpose revenues" means the sum of payments
10 under s. 79.095, local general purpose taxes, regulation revenues, revenues for
11 services to private parties by a county's or municipality's general operations or
12 enterprises, revenue for sanitation services to private parties, special assessment
13 revenues, and tax base equalization aids and, for municipalities only, a proxy for
14 private sewer service costs, a proxy for private solid waste and recycling service costs
15 and a proxy for retail charges for fire protection purposes. In this subdivision:

16 **SECTION 2271.** 79.03 (3) (b) 4. a. of the statutes is amended to read:

17 79.03 (3) (b) 4. a. "Local general purpose taxes" means the portion of tax
18 increments collected for payment to a municipality under s. 66.1105 which is
19 attributable to that municipality's own levy, the portion of environmental
20 remediation tax increments collected for payment to a municipality or county under
21 s. 66.1106 that is attributable to that municipality's or county's own levy, general
22 property taxes, excluding taxes for a county children with disabilities education
23 board, collected to finance the general purpose government unit, property taxes
24 collected for sewage and sanitary districts, mobile home fees, the proceeds of county

SENATE BILL 55**SECTION 2271**

1 sales and use taxes, and ~~municipal~~ and county vehicle registration fees under s.
2 341.35 (1).

3 **SECTION 2272.** 79.03 (3) (b) 4. b. of the statutes is repealed.

4 **SECTION 2273.** 79.03 (3) (b) 4. bg. of the statutes is repealed.

5 **SECTION 2274.** 79.03 (3) (b) 4. bm. of the statutes is repealed.

6 **SECTION 2275.** 79.03 (3) (b) 4. d. of the statutes is amended to read:

7 79.03 (3) (b) 4. d. "Revenue for sanitation services to private parties" means
8 revenues collected from private parties by a county's ~~or municipality's~~ general
9 operations or enterprises and by sewerage, sanitation, or inland lake rehabilitation
10 districts as refuse collection fees, sewerage service fees, and landfill fees.

11 **SECTION 2276.** 79.03 (3) (b) 4. e. of the statutes is amended to read:

12 79.03 (3) (b) 4. e. "Revenues for services to private parties by a county's ~~or~~
13 ~~municipality's~~ general operations or enterprises" means revenues collected from
14 private parties for the following services: general government services consisting of
15 license publication fees, sale of publications, clerk's fees, and treasurer's fees; public
16 safety services, consisting of police or sheriff's department fees, fire department fees,
17 and ambulance fees; inspection services, consisting of building, electrical, heat,
18 plumbing, elevator, and weights and measures; sidewalk replacement or
19 construction fees, storm sewer construction fees, street lighting fees; parking ramps,
20 meters and lot fees; library fines or fees; and museum and zoo users or admission
21 fees.

22 **SECTION 2277.** 79.03 (3) (b) 4. f. of the statutes is amended to read:

23 79.03 (3) (b) 4. f. "Special assessment revenues" means charges assessed
24 against benefited properties for capital improvements by a ~~municipality~~ or county

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1 placed on the current tax roll for collection or collected during the year in advance
2 of being placed on the tax roll.

3 **SECTION 2278.** 79.03 (3) (b) 4. h. of the statutes is repealed.

4 **SECTION 2279.** 79.03 (3) (b) 5. of the statutes is amended to read:

5 79.03 (3) (b) 5. "Standardized valuation" means the product of the standardized
6 valuation per person times the population of a ~~municipality~~ or a county in the
7 preceding year.

8 **SECTION 2280.** 79.03 (3) (b) 6. of the statutes is amended to read:

9 79.03 (3) (b) 6. "Standardized valuation per person" is that number that when
10 used in the computation under par. (a) most nearly approximates the sum of
11 entitlements for all ~~municipalities~~ or for all counties respectively to the funds
12 distributable under par. (a).

13 **SECTION 2281.** 79.03 (4) of the statutes is amended to read:

14 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and
15 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be
16 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300.
17 In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s.
18 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this
19 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to
20 municipalities and \$168,981,800 to counties. In Beginning in 1995 and subsequent
21 years ending in 2001, the total amounts to be distributed under ss. 79.03, 79.04, and
22 79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to
23 counties. In 2002, the total amount to be distributed to municipalities under ss.
24 79.04 and 79.065 (2) from s. 20.835 (1) (db) is \$755,478,000, less the amounts
25 distributed under s. 79.065 (3) from s. 20.835 (1) (dd). In 2003 and subsequent years,

SENATE BILL 55**SECTION 2281**

1 the total amount to be distributed to municipalities under ss. 79.04 and 79.065 (2)
2 from s. 20.835 (1) (db) is the amount distributed under ss. 79.04 and 79.065 (2) to
3 municipalities in 2002. In 2002 and subsequent years, the total amount to be
4 distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$168,981,800.
5 In 2002, and subsequent years, the amount to be distributed to municipalities from
6 s. 20.835 (1) (d) shall be increased by any amounts to be paid under s. 79.04 for any
7 qualifying property of wholesale merchant plants, located in a municipality, that did
8 not exist in the previous year, and the amount to be distributed to counties from s.
9 20.835 (1) (d) shall be increased by any amounts to be paid under s. 79.04 for any
10 qualifying property of wholesale merchant plants, located in a county, that did not
11 exist in the previous year.

12 **SECTION 2282.** 79.04 (1) (intro.) of the statutes is amended to read:

13 79.04 (1) (intro.) Annually the department of administration, upon
14 certification by the department of revenue, shall distribute to a municipality having
15 within its boundaries a production plant or a general structure, including production
16 plants and general structures under construction, used by a light, heat, or power
17 company assessed under s. 76.28 (2) or 76.29 (2), except property described in s.
18 66.0813 unless the production plant is owned or operated by a local governmental
19 unit located outside of the municipality, or by an electric cooperative assessed under
20 ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825
21 the amount determined as follows:

22 **SECTION 2283.** 79.04 (1) (a) of the statutes is amended to read:

23 79.04 (1) (a) An amount from the shared revenue account determined by
24 multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village,
25 the first \$125,000,000 of the amount shown in the account, plus leased property, of

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1 each public utility except qualified wholesale electric companies, as defined in s.
2 76.28 (1) (gm), and except wholesale merchant plants, as defined in s. 196.491 (1) (w),
3 on December 31 of the preceding year for either “production plant, exclusive of land”
4 and “general structures”, or “work in progress” for production plants and general
5 structures under construction, in the case of light, heat and power companies,
6 electric cooperatives or municipal electric companies, for all property within a
7 municipality in accordance with the system of accounts established by the public
8 service commission or rural electrification administration, less depreciation thereon
9 as determined by the department of revenue and less the value of treatment plant
10 and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined
11 by the department of revenue plus an amount from the shared revenue account
12 determined by multiplying by 3 mills in the case of a town, and 6 mills in the case
13 of a city or village, of the first \$125,000,000 of the total original cost of production
14 plant, general structures and work-in-progress less depreciation, land and
15 approved waste treatment facilities of each qualified wholesale electric company, as
16 defined in s. 76.28 (1) (gm), and each wholesale merchant plant, as defined in s.
17 196.491 (1) (w), as reported to the department of revenue of all property within the
18 municipality. The total of amounts, as depreciated, from the accounts of all public
19 utilities for the same production plant is also limited to not more than \$125,000,000.
20 The amount distributable to a municipality in any year shall not exceed \$300 times
21 the population of the municipality.

22 **SECTION 2284.** 79.04 (1) (c) 2. of the statutes is amended to read:

23 79.04 (1) (c) 2. If a production plant is located in more than one municipality,
24 the total payment under subd. 1. shall be apportioned according to the amounts
25 shown on the preceding December 31 for the production plant in the account

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1 described in par. (a) for “production plant exclusive of land” within each municipality
2 for all public utilities except qualified wholesale electric companies, as defined in s.
3 76.28 (1) (gm), and except wholesale merchant plants, as defined in s. 196.491 (1) (w),
4 or according to the value as reported to the department of revenue under par. (a) of
5 the production plant within each municipality for each qualified wholesale electric
6 company. The payment to each municipality under this subdivision shall be no less
7 than \$15,000 annually.

8 **SECTION 2285.** 79.04 (2) (a) of the statutes is amended to read:

9 79.04 (2) (a) Annually, the department of administration, upon certification by
10 the department of revenue, shall distribute from the shared revenue account to any
11 county having within its boundaries a production plant or a general structure,
12 including production plants and general structures under construction, used by a
13 light, heat or power company assessed under s. 76.28 (2) or 76.29 (2), except property
14 described in s. 66.0813 unless the production plant is owned or operated by a local
15 governmental unit that is located outside of the municipality in which the production
16 plant is located, or by an electric cooperative assessed under ss. 76.07 and 76.48,
17 respectively, or by a municipal electric company under s. 66.0825 an amount
18 determined by multiplying by 6 mills in the case of property in a town and by 3 mills
19 in the case of property in a city or village the first \$125,000,000 of the amount shown
20 in the account, plus leased property, of each public utility except qualified wholesale
21 electric companies, as defined in s. 76.28 (1) (gm), and except wholesale merchant
22 plants, as defined in s. 196.49 (1) (w), on December 31 of the preceding year for either
23 “production plant, exclusive of land” and “general structures”, or “work in progress”
24 for production plants and general structures under construction, in the case of light,
25 heat and power companies, electric cooperatives or municipal electric companies, for

SENATE BILL 55**SECTION 2285**

1 all property within the municipality in accordance with the system of accounts
2 established by the public service commission or rural electrification administration,
3 less depreciation thereon as determined by the department of revenue and less the
4 value of treatment plant and pollution abatement equipment, as defined under s.
5 70.11 (21) (a), as determined by the department of revenue plus an amount from the
6 shared revenue account determined by multiplying by 6 mills in the case of property
7 in a town, and 3 mills in the case of property in a city or village, of the total original
8 cost of production plant, general structures and work-in-progress less depreciation,
9 land and approved waste treatment facilities of each qualified wholesale electric
10 company, as defined in s. 76.28 (1) (gm), and each wholesale merchant plant, as
11 defined in s. 196.491 (1) (w), as reported to the department of revenue of all property
12 within the municipality. The total of amounts, as depreciated, from the accounts of
13 all public utilities for the same production plant is also limited to not more than
14 \$125,000,000. The amount distributable to a county in any year shall not exceed
15 \$100 times the population of the county.

16 **SECTION 2286.** 79.06 (1) of the statutes is amended to read:

17 79.06 (1) MINIMUM PAYMENTS. (b) If the payments to any ~~municipality or county~~
18 under s. 79.03, ~~excluding payments under s. 79.03 (3e)~~, in 1986 or any year thereafter
19 are less than 95% of the combined payments to the ~~municipality or county~~ under this
20 section and s. 79.03, ~~excluding payments under s. 79.03 (3e)~~, for the previous year,
21 the ~~municipality or county~~ has an aids deficiency. The amount of the aids deficiency
22 is the amount by which 95% of the combined payments to the ~~municipality or county~~
23 under this section and s. 79.03, ~~excluding payments under s. 79.03 (3e)~~, in the
24 previous year exceeds the payments to the ~~municipality or county~~ under s. 79.03,
25 ~~excluding payments under s. 79.03 (3e)~~, in the current year.

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1 (c) A ~~municipality~~ or county that has an aids deficiency shall receive a payment
2 from the amounts withheld under sub. (2) equal to its proportion of all the aids
3 deficiencies of ~~municipalities~~ or counties respectively for that year.

4 **SECTION 2287.** 79.06 (2) of the statutes is amended to read:

5 79.06 (2) MAXIMUM PAYMENTS. (b) If the payments to a ~~municipality~~ or county,
6 except any county in which there are no cities or villages, in any year exceed its
7 combined payments under this section and s. 79.03, ~~excluding payments under s.~~
8 ~~79.03 (3e)~~, in the previous year by more than the maximum allowable increase, the
9 excess shall be withheld to fund minimum payments in that year under sub. (1) (c).

10 (c) In this subsection, “maximum allowable increase” in any year means a
11 percentage such that the sum for all ~~municipalities~~ or counties respectively in that
12 year of the excess of payments under ss. 79.02 and 79.03, ~~excluding payments under~~
13 ~~s. 79.03 (3e)~~, over the payments as limited by the maximum allowable increase is
14 equal to the sum of the aids deficiencies under sub. (1) in that year.

15 **SECTION 2288.** 79.065 of the statutes is created to read:

16 **79.065 Municipal growth sharing. (1) DEFINITIONS.** In this section:

17 (a) “Aidable expenditures” means a municipality’s expenditures for general
18 government operations; law enforcement, fire protection, ambulance services, and
19 other public safety services; and health and human services. “Aidable expenditures”
20 does not include a municipality’s expenditures for highway maintenance,
21 administration, or construction; road-related facilities or other transportation; solid
22 waste collection and disposal or other sanitation; culture; education; parks and
23 recreation; conservation; or development.

24 (b) “Entitlement” means the product of aidable expenditures and tax base
25 weight.

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1 (c) "Full valuation" means the full value of all taxable property of a
2 municipality for the preceding year as equalized for state tax purposes, including the
3 value increments under s. 66.1105, the environmental remediation value increments
4 under s. 66.1106 for municipalities that create the environmental remediation tax
5 incremental district, and the value of real estate assessed under s. 70.995, but
6 excluding the full value of property that is exempt under s. 70.11 (39) as determined
7 under s. 79.095 (3).

8 (d) "Growth-sharing region" means "growth-sharing region" as defined by
9 rule, no later than September 1, 2001, by the department of revenue so that this state
10 is divided into at least 7 but not more than 25 growth-sharing regions.

11 (e) "Sales tax" means the tax imposed under ss. 77.52 and 77.53.

12 (f) "Standardized valuation" means the product of the standardized valuation
13 per person times the population of a municipality in the preceding year.

14 (g) "Standardized valuation per person" is that number that when used in the
15 computation under sub. (2) most nearly approximates the sum of entitlements for all
16 municipalities to the funds distributable under sub. (2).

17 (h) "Tax base weight" means one minus the decimal obtained by dividing the
18 full valuation by the standardized valuation, except that "tax base weight" shall be
19 a decimal of at least 0.0.

20 **(2) AIDABLE EXPENDITURES ENTITLEMENTS.** (a) Beginning in 2002, the amount
21 in the municipal services aid account for municipalities, less the payments under s.
22 79.04 (1) and (4) (a), shall be allocated to each municipality in proportion to its
23 entitlement.

24 (b) Annually, the department of revenue shall determine the amount of each
25 municipality's aidable expenditures. For purposes of calculating a municipality's

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1 entitlement, the amount of a municipality's aidable expenditures in a year is the
2 lesser of the following:

3 1. The amount of the municipality's aidable expenditures in the year prior to
4 the year in which the municipality receives the statement under s. 79.015.

5 2. The average of the amount of the municipality's aidable expenditures in
6 1998, 1999, and 2000, increased by the cumulative percentage under s. 79.05 (2) (c)
7 by which the municipality could have increased its budget and still be eligible for a
8 payment under s. 79.05, regardless of whether the municipality was eligible for a
9 payment under s. 79.05. The cumulative percentage shall be calculated from 1999
10 to the year prior to the year of the statement under s. 79.015.

11 **(3) GROWTH-SHARING REGIONS ENTITLEMENT.** (a) Except for payments made in
12 2002, a municipality in a growth-sharing region shall receive a payment under par.
13 (b) if the following applies:

14 1. The municipality limits the growth in its municipal budget to the increase
15 specified under s. 79.05 (2) (c) for the year of the statement under s. 79.015.

16 2. The municipality enters into an area cooperation compact under sub. (4) for
17 the year of the statement under s. 79.015.

18 (b) In 2002, a municipality in a growth-sharing region, and in 2003 and
19 subsequent years, a municipality in a growth-sharing region that fulfills the
20 requirements under par. (a), shall receive a payment that is equal to the total amount
21 allocated to the growth-sharing region, as determined under par. (c), multiplied by
22 a fraction the numerator of which is the municipality's current population in the
23 growth-sharing region, and the denominator of which is the current population in
24 the growth-sharing region of all the municipalities that are eligible for payments
25 under this subsection that are located in the growth-sharing region.

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1 (c) The total amount allocated to a growth-sharing region shall be equal to the
2 total amount to be distributed under s. 20.835 (1) (dd) multiplied by a fraction the
3 numerator of which is the amount of sales tax collected in the growth-sharing region,
4 as determined by the department of revenue, in the fiscal year prior to the fiscal year
5 in which any municipality receives the statement under s. 79.015, and the
6 denominator of which is the total amount of sales tax collected in this state, as
7 determined by the department of revenue, in the fiscal year prior to the fiscal year
8 in which any municipality receives the statement under s. 79.015.

9 (4) AREA COOPERATION COMPACTS. (a) 1. Except as provided in subd. 3., beginning
10 in 2003 and ending in 2005, to receive payments under sub. (3), a municipality shall
11 enter into an area cooperation compact with at least 2 municipalities or counties, or
12 with any combination of at least 2 such entities, to perform at least 2 of the functions
13 listed in par. (b).

14 2. Except as provided in subd. 3., beginning in 2006 and in each subsequent
15 year, to receive payments under sub. (3), a municipality shall enter into an area
16 cooperation compact with at least 4 municipalities or counties, or with any
17 combination of at least 4 such entities, to provide law enforcement and to perform
18 at least 5 of the other functions listed in par. (b).

19 3. A municipality that is not adjacent to at least 2 other municipalities may
20 enter into a cooperation compact with any adjacent municipality or with the county
21 in which the municipality is located to perform the number and type of functions as
22 specified under subds. 1. or 2., as applicable to the year of the payment.

23 (b) An area cooperation compact may involve the following functions:

24 2. Housing.

25 3. Emergency services.

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- 1 4. Fire protection.
- 2 5. Solid waste collection and disposal.
- 3 6. Recycling.
- 4 7. Public health.
- 5 8. Animal control.
- 6 10. Transportation.
- 7 11. Mass transit.
- 8 12. Land use planning.
- 9 13. Boundary agreements.
- 10 14. Libraries.
- 11 15. Parks and recreation.
- 12 16. Culture.
- 13 17. Purchasing.
- 14 18. Electronic government.

15 (c) An area cooperation compact shall provide a plan for any municipalities or
16 counties that enter into the compact to collaborate to provide any functions under
17 par. (b), as selected under par. (a). The compact shall provide benchmarks to measure
18 the plan's progress and provide outcome-based performance measures to evaluate
19 the plan's success. Municipalities and counties that enter into the compact shall
20 structure the compact in a way that results in significant tax savings to taxpayers
21 within those municipalities and counties.

22 (d) Annually, beginning in 2002, to receive a payment under sub. (3), a
23 municipality shall certify to the department of revenue, in a manner prescribed by
24 the department, by May 1 of the year of the statement under s. 79.015, that the

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1 municipality complied with pars. (a) to (c) for the year of the statement under s.
2 79.015.

3 (e) Annually, beginning in 2004, the legislative audit bureau shall prepare a
4 report on the performance of area cooperation compacts and shall submit copies of
5 the report to the chief clerk of each house of the legislature for distribution to the
6 appropriate standing committees under s. 13.172 (3) by June 30.

7 **(5) MINIMUM PAYMENTS.** (a) In 2002, if the combined payments to a municipality
8 under subs. (2) and (3) are less than 95% of the combined payments to the
9 municipality under s. 79.06, 1999 stats., and s. 79.03 (3), 1999 stats., excluding
10 payments under s. 79.03 (3c), 1999 stats., for 2001, the municipality has an aids
11 deficiency. The amount of the aids deficiency is the amount by which 95% of the
12 amount of the combined payments to the municipality under s. 79.06, 1999 stats.,
13 and s. 79.03 (3), 1999 stats., excluding payments under s. 79.03 (3c), 1999 stats., for
14 2001 exceeds the payments to the municipality under subs. (2) and (3) in 2002. A
15 municipality that has an aids deficiency under this paragraph shall receive a
16 payment from the amounts withheld under sub. (6) (a) that is equal to its proportion
17 of all the aids deficiencies of municipalities under this paragraph in 2002.

18 (b) Except as provided in par. (c), in 2003 and subsequent years, if the combined
19 payments to a municipality under subs. (2) and (3) are less than 95% of the combined
20 payments to the municipality under this subsection and subs. (2), (3), and (6) for the
21 previous year, the municipality has an aids deficiency. The amount of the aids
22 deficiency is the amount by which 95% of the amount of the combined payments to
23 the municipality under this subsection and subs. (2), (3), and (6) in the previous year
24 exceeds the combined payments to the municipality under subs. (2) and (3) in the
25 current year. A municipality that has an aids deficiency under this paragraph shall

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1 receive a payment from the amounts withheld under sub. (6) (b) that is equal to its
2 proportion of all the aids deficiencies of municipalities under this paragraph for the
3 current year.

4 (c) In 2003 and subsequent years, if a municipality receives a payment under
5 sub. (3) in the year following the year of the statement under s. 79.015 but did not
6 receive a payment in the year of the statement, or if a municipality does not receive
7 a payment under sub. (3) in the year following the year of the statement under s.
8 79.015 but received a payment in the year of the statement, the payment under sub.
9 (3) shall be excluded from the calculation for determining the minimum payment
10 under par. (b).

11 **(6) MAXIMUM PAYMENTS.** (a) In 2002, if the combined payments to a municipality
12 under subs. (2) and (3) exceed combined payments to the municipality under s. 79.06,
13 1999 stats., and s. 79.03 (3), 1999 stats., excluding payments under s. 79.03 (3c), 1999
14 stats., for 2001 by more than the maximum allowable increase, the excess shall be
15 withheld to fund minimum payments in 2002 under sub. (5) (a). In this paragraph,
16 “maximum allowable increase” means a percentage such that the sum for all
17 municipalities of the excess of payments in 2002 under subs. (2) and (3) over the
18 payment as limited by the maximum allowable increase is equal to the sum of the
19 aids deficiencies under sub. (5) (a) in 2002.

20 (b) In 2003 and subsequent years, if the combined payments to a municipality
21 under subs. (2) and (3) exceed the combined payments to the municipality under this
22 subsection and subs. (2), (3), and (5) for the previous year by more than the maximum
23 allowable increase, the excess shall be withheld to fund minimum payments in the
24 current year under sub. (5) (b). In this paragraph, “maximum allowable increase”
25 in any year means a percentage such that the sum for all municipalities of the excess

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1 of payments in that year under subs. (2) and (3) over the payment as limited by the
2 maximum allowable increase is equal to the sum of the aids deficiencies under sub.
3 (5) (b) in that year.

4 (c) In 2003 and subsequent years, if a municipality receives a payment under
5 sub. (3) in the year following the year of the statement under s. 79.015 but did not
6 receive a payment in the year of the statement, or if a municipality does not receive
7 a payment under sub. (3) in the year following the year of the statement under s.
8 79.015 but received a payment in the year of the statement, the payment under sub.
9 (3) shall be excluded from the calculation for determining the maximum payment
10 under par. (b).

11 **SECTION 2289.** 79.085 of the statutes is created to read:

12 **79.085 Use of county payments.** A county shall use the payments that it
13 receives under ss. 79.03, 79.04, 79.058, and 79.06 to pay the following expenses in
14 the following sequence:

15 (1) The expenses that are not otherwise funded by state or federal aid or by any
16 designated revenue source and that are for probation and parole holds in county jails,
17 for circuit courts under s. 753.19, and for which community youth and family aids are
18 paid under s. 301.26.

19 (2) The costs for which the county would otherwise levy a property tax, as
20 reflected under s. 74.09 (3) (b) 1.

21 **SECTION 2290.** 79.095 (1) (c) of the statutes is amended to read:

22 79.095 (1) (c) "Taxing jurisdiction" means a municipality, county, school
23 district, special purpose district, tax incremental district, environmental
24 remediation tax incremental district, or technical college district.

25 **SECTION 2291.** 79.095 (2) (b) of the statutes is amended to read:

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1 79.095 (2) (b) On or before December 31, the tax rate used for each tax
2 incremental district for which the municipality assesses property and for each
3 environmental remediation tax incremental district for which the municipality
4 assesses property.

5 **SECTION 2292.** 79.10 (6m) of the statutes is renumbered 79.10 (6m) (a) and
6 amended to read:

7 79.10 (6m) (a) If Except as provided in pars. (b) and (c), if the department of
8 administration or the department of revenue determines by October 1 of the year of
9 any distribution under subs. (4) and (5) that there was an overpayment or
10 underpayment made in that year's distribution by the department of administration
11 to municipalities, as determined under subs. (4) and (5), because of an error by the
12 department of administration, the department of revenue or any municipality, the
13 overpayment or underpayment shall be corrected as provided in this ~~subsection~~
14 paragraph. Any overpayment shall be corrected by reducing the subsequent year's
15 distribution, as determined under subs. (4) and (5), by an amount equal to the
16 amount of the overpayment. Any underpayment shall be corrected by increasing the
17 subsequent year's distribution, as determined under subs. (4) and (5), by an amount
18 equal to the amount of the underpayment. Corrections shall be made in the
19 distributions to all municipalities affected by the error. Corrections shall be without
20 interest.

21 **SECTION 2293.** 79.10 (6m) (b) of the statutes is created to read:

22 79.10 (6m) (b) If, after March 1 of the year of any distribution under sub. (5),
23 a municipality discovers an error in the notice that the municipality furnished under
24 sub. (1m) that resulted in an overpayment of that year's distribution to the
25 municipality, as determined under sub. (5), the municipality shall correct the error

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1 and notify the department of revenue of the correction on a form that the department
2 prescribes. If, after March 1 of the year of any distribution under sub. (5), the
3 department of administration or the department of revenue discovers an error in the
4 notice that the municipality furnished under sub. (1m) that resulted in an
5 overpayment of that year's distribution to the municipality, as determined under
6 sub. (5), the department of administration or the department of revenue shall notify
7 the municipality and the municipality shall correct the error. The municipality may
8 pay the amount of the overpayment to the department of revenue and, if the
9 municipality chooses to make such a payment, shall submit the payment with the
10 form prescribed under this paragraph. If the municipality does not pay the amount
11 of the overpayment, the department of administration may collect the amount of the
12 overpayment as a special charge to the municipality or may correct the overpayment
13 as provided under par. (a). Payments under this paragraph shall be without interest
14 and shall be deposited in the lottery fund.

15 **SECTION 2294.** 79.10 (6m) (c) of the statutes is created to read:

16 79.10 **(6m)** (c) If, after March 1 of the year of any distribution under sub. (5),
17 a municipality discovers an error in the notice that the municipality furnished under
18 sub. (1m) that resulted in an underpayment of that year's distribution to the
19 municipality, as determined under sub. (5), the municipality shall correct the error
20 and notify the department of revenue on a form that the department prescribes. If,
21 after March 1 of the year of any distribution under sub. (5), the department of
22 administration or the department of revenue discovers an error in the notice that the
23 municipality furnished under sub. (1m) that resulted in an underpayment of that
24 year's distribution to the municipality, as determined under sub. (5), the department
25 of administration or the department of revenue shall notify the municipality and the

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1 municipality shall correct the error. The department of revenue may either pay the
2 amount of the underpayment to the municipality, from the appropriation under s.
3 20.835 (3) (q), or correct the underpayment as provided under par. (a). Payments
4 under this paragraph shall be without interest.

5 **SECTION 2295.** 84.01 (31) of the statutes is created to read:

6 **84.01 (31) ACCOMMODATION OF UTILITY FACILITIES WITHIN HIGHWAY RIGHTS-OF-WAY.**
7 Notwithstanding ss. 84.06 (4), 84.063, 84.065, and 84.093, the department may, upon
8 finding that it is feasible and advantageous to the state, negotiate and enter into an
9 agreement to accept any plant or equipment used for the conveyance, by wire, optics,
10 radio signal, or other means, of voice, data, or other information at any frequency
11 over any part of the electromagnetic spectrum, or to accept any services associated
12 with the collection, storage, forwarding, switching, and delivery incidental to such
13 communication, as payment for the accommodation of a utility facility, as defined in
14 s. 84.063 (1) (b), within a highway right-of-way. Any agreement under this
15 subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but
16 ss. 16.528, 16.752, and 16.754 apply to such agreement.

17 **SECTION 2296.** 84.01 (32) of the statutes is created to read:

18 **84.01 (32) CONFIDENTIALITY OF BIDDER INFORMATION.** (a) The department may
19 not disclose to any person any information requested by the department for the
20 purpose of complying with 49 CFR 26, as that section existed on October 1, 1999, that
21 relates to an individual's statement of net worth, a statement of experience, or a
22 company's financial statement, including the gross receipts of a bidder.

23 (b) This subsection does not prohibit the department from disclosing
24 information to any of the following persons:

25 1. The person to whom the information relates.

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1 2. Any person who has the written consent of the person to whom the
2 information relates to receive such information.

3 3. Any person to whom 49 CFR 26, as that section existed on October 1, 1999,
4 requires or specifically authorizes the department to disclose such information.

5 **SECTION 2297.** 84.013 (2) (a) of the statutes is amended to read:

6 84.013 (2) (a) Subject to ~~s. ss. 84.59 (1) and~~ 86.255, major highway projects shall
7 be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and
8 20.866 (2) (ur) to (uu).

9 **SECTION 2298.** 84.013 (2) (b) of the statutes is amended to read:

10 84.013 (2) (b) ~~Subject~~ Except as provided in ss. 84.014 and 84.03 (3) and subject
11 to s. 86.255, reconditioning, reconstruction and resurfacing of highways shall be
12 funded from the appropriations under s. 20.395 (3) (cq) to (cx).

13 **SECTION 2299.** 84.013 (3) (a), (b), (c), (d), (e), (em), (f), (g), (h), (i), (j), (k), (L), (m),
14 (n), (o), (p), (q), (r), (s), (t), (tj), (u), (v), (vc), (vg), (vL), (vp), (vt), (vx), (w), (wr), (x), (xf),
15 (xo), (xs), (xw), (xy), (y), (yb), (yf), (yk), (yo), (ys), (yw), (yy) and (z) of the statutes are
16 repealed.

17 **SECTION 2300.** 84.013 (3) (pe) of the statutes is created to read:

18 84.013 (3) (pe) STH 17 extending approximately 3.25 miles from the
19 intersection of STH 17 and Birchwood Drive to USH 8 approximately 0.16 miles east
20 of Germond Road, designated as the Rhinelander relocation, in Oneida County.

21 **SECTION 2301.** 84.013 (3) (pm) of the statutes is created to read:

22 84.013 (3) (pm) STH 26 extending approximately 48 miles between I 90 in
23 Janesville and STH 60 north of Watertown in Rock, Jefferson, and Dodge counties.

24 **SECTION 2302.** 84.013 (3) (ps) of the statutes is created to read:

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1 84.013 (3) (ps) I 39/USH 51 extending approximately 8 miles from south of Fox
2 Glove Road to north of Bridge Street, designated as the Wausau beltline, in
3 Marathon County.

4 **SECTION 2303.** 84.014 of the statutes is created to read:

5 **84.014 Marquette interchange reconstruction project.** Notwithstanding
6 s. 84.013 and subject to s. 86.225, reconstruction of the interchange at the junction
7 of I 94, I 43, and I 794, known as the Marquette interchange, in Milwaukee County
8 shall be funded from appropriations under s. 20.395 (3) (ck) to (cy) and (4) (jr).

9 **SECTION 2304.** 84.016 of the statutes is created to read:

10 **84.016 Intelligent transportation systems. (1)** In this section, “intelligent
11 transportation system” means a specialized computer or other technical system,
12 including roadway detector loops, closed circuit television, variable message signs,
13 ramp meters, or an integrated traffic signal system, that is used for the purposes of
14 traffic flow measurement and management, congestion avoidance, incident
15 management, travel time information, or other similar purposes.

16 **(2)** The department may fund the installation, maintenance, and replacement
17 of intelligent transportation systems.

18 **SECTION 2305.** 84.02 (8) (d) of the statutes is repealed.

19 **SECTION 2306.** 84.03 (3) of the statutes is created to read:

20 **84.03 (3) WEST CANAL STREET RECONSTRUCTION PROJECT.** (a) Subject to par. (b),
21 from federal interstate cost estimate funds received by the state, the department
22 shall award a grant of not more than \$5,000,000 from the appropriation under s.
23 20.395 (3) (cy) to the city of Milwaukee for reconstruction of West Canal Street in the
24 city of Milwaukee to serve as a transportation corridor for the purpose of mitigating
25 traffic associated with the reconstruction of the Marquette interchange.

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1 (b) No grant may be awarded under par. (a) unless all of the following occur:

2 1. The city of Milwaukee makes a matching contribution of federal interstate
3 cost estimate funds received by the city equal to the amount of the grant awarded
4 under par. (a) to be used for the West Canal Street reconstruction project.

5 2. Notwithstanding subd. 1., the city of Milwaukee contributes \$10,000,000
6 toward the West Canal Street reconstruction project.

7 3. The federal department of transportation approves the use of federal
8 interstate cost estimate funds under subd. 1. and par. (a) for the project.

9 (c) Notwithstanding pars. (a) and (b), the department shall award grants
10 totaling \$5,000,000 from the appropriation under s. 20.395 (3) (ck) to the city of
11 Milwaukee for reconstruction of West Canal Street in the city of Milwaukee if the city
12 of Milwaukee makes the contribution of \$10,000,000 specified in par. (b) 2.

13 (d) This subsection does not apply after December 31, 2005.

14 **SECTION 2307.** 84.03 (4) of the statutes is created to read:

15 **84.03 (4) PARK EAST FREEWAY CORRIDOR COST SHARING.** (a) The maximum state
16 share of costs for the project for the demolition of the Park East Freeway corridor in
17 Milwaukee County, as provided in an agreement entered into on April 20, 1999,
18 between the city of Milwaukee, Milwaukee County, and the state, shall be
19 \$8,000,000, of which \$6,800,000 shall be federal interstate cost estimate funds
20 received by the state.

21 (b) The local share of costs of the project described in par. (a) shall be not less
22 than the amount of \$17,000,000 provided for in the agreement specified under par.
23 (a), of which \$14,500,000 shall be federal interstate cost estimate funds received by
24 the city or county.

25 **SECTION 2308.** 84.185 (title) of the statutes is amended to read:

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1 **84.185** (title) **Transportation Tommy G. Thompson transportation**
2 **facilities economic assistance and development program.**

3 **SECTION 2309.** 84.59 (1) of the statutes is amended to read:

4 84.59 (1) Transportation facilities under s. 84.01 (28) and, major highway
5 projects as defined under s. 84.013 (1) (a) for the purposes under ss. 84.06 and 84.09,
6 and the Marquette interchange reconstruction project under s. 84.014 for the
7 purposes under ss. 84.06 and 84.09 may be funded with the proceeds of revenue
8 obligations issued subject to and in accordance with subch. II of ch. 18, except that
9 funding for major highway projects with such proceeds may not exceed 53% of the
10 total funds expended in each fiscal year, beginning with fiscal year 2002-03, for
11 major highway projects.

12 **SECTION 2310.** 84.59 (6) of the statutes is amended to read:

13 84.59 (6) The building commission may contract revenue obligations when it
14 reasonably appears to the building commission that all obligations incurred under
15 this section can be fully paid from moneys received or anticipated and pledged to be
16 received on a timely basis. Except as provided in this subsection, the principal
17 amount of revenue obligations issued under this section may not exceed
18 ~~\$1,447,085,500~~ and may \$1,743,570,900 to be used for transportation facilities under
19 s. 84.01 (28) and major highway projects for the purposes under ss. 84.06 and 84.09
20 and may not exceed \$6,996,600 to be used for the Marquette interchange
21 reconstruction project under s. 84.014 for the purposes under ss. 84.06 and 84.09.
22 In addition to the foregoing ~~limit~~ limits, in the aggregate, on principal amount, the
23 building commission may contract revenue obligations under this section as the
24 building commission determines is desirable to refund outstanding revenue

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1 obligations contracted under this section and to pay expenses associated with
2 revenue obligations contracted under this section.

3 **SECTION 2311.** 85.037 of the statutes is repealed.

4 **SECTION 2312.** 85.107 (title) of the statutes is amended to read:

5 **85.107 (title) ~~Minority civil engineer scholarship~~ Scholarship and loan**
6 **repayment incentive grant program.**

7 **SECTION 2313.** 85.107 (1) of the statutes is amended to read:

8 85.107 (1) PURPOSE. The ~~minority civil engineer~~ scholarship and loan
9 repayment incentive grant program is created to assist in improving the
10 representation of ~~minorities among employees of~~ targeted group members within job
11 classifications in which targeted group members are underutilized in the
12 department who are classified as civil engineers.

13 **SECTION 2314.** 85.107 (2) of the statutes is repealed.

14 **SECTION 2315.** 85.107 (2m) (intro.) of the statutes is created to read:

15 85.107 (2m) DEFINITIONS. (intro.) In this section:

16 **SECTION 2316.** 85.107 (2m) (am) of the statutes is created to read:

17 85.107 (2m) (am) “Person with a disability” means any person who has a
18 physical or mental disability that constitutes or results in a substantial barrier to
19 employment.

20 **SECTION 2317.** 85.107 (2m) (b) of the statutes is created to read:

21 85.107 (2m) (b) “Targeted group member” means a person with disabilities, or
22 a person who belongs to a class of race, color, or sex, whose percent of the workforce
23 within any job classification in the department is less than that class’s percent of the
24 statewide labor market for such job activities.

25 **SECTION 2318.** 85.107 (3) (a) (intro.) of the statutes is amended to read:

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1 85.107 (3) (a) (intro.) Award scholarships to ~~resident minority students~~
2 targeted group members who are enrolled fulltime full time and registered as
3 sophomores, juniors or seniors in a ~~civil engineering bachelor of science degree~~
4 program offered by an accredited institution of higher education in this state.
5 Scholarships under this paragraph shall not exceed the following amounts:

6 **SECTION 2319.** 85.107 (3) (am) of the statutes is created to read:

7 85.107 (3) (am) Award scholarships of not more than \$2,000 each to any
8 targeted group member who is registered in his or her 2nd year of full-time
9 enrollment in an associate degree program, as defined in s. 38.01 (1), or vocational
10 diploma program, as defined in s. 38.01 (11), at a technical college in this state.

11 **SECTION 2320.** 85.107 (3) (b) 1. (intro.) of the statutes is amended to read:

12 85.107 (3) (b) 1. (intro.) Make loan repayment grants to ~~minority civil engineers~~
13 targeted group members who are employed by the department and have education
14 loans outstanding. Subject to subd. 2., loan repayment grants under this subdivision
15 shall not exceed the following amounts:

16 **SECTION 2321.** 85.12 (3) of the statutes is amended to read:

17 85.12 (3) The department may contract with any local governmental unit, as
18 defined in s. 16.97 ~~22.01~~ (7), to provide that local governmental unit with services
19 under this section.

20 **SECTION 2322.** 85.20 (4m) (a) (intro.) of the statutes is amended to read:

21 85.20 (4m) (a) (intro.) The department shall pay annually to the eligible
22 applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The
23 department shall pay annually to the eligible applicant described in subd. 6. d. the
24 amount of aid specified in subd. 6. d. The department shall allocate an amount to
25 each eligible applicant described in subd. 7. or 8. to ensure that the sum of state and

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1 federal aids for the projected operating expenses of each eligible applicant's urban
2 mass transit system is equal to a uniform percentage, established by the department,
3 of the projected operating expenses of the mass transit system for the calendar year.
4 ~~For calendar year 1999, the operating expenses used to establish the uniform~~
5 ~~percentage shall be the projected operating expenses of an urban mass transit~~
6 ~~system. Subject to sub. (4r), for calendar year 2000 and thereafter the operating~~
7 ~~expenses used to establish the uniform percentage shall be the operating expenses~~
8 ~~incurred during the 2nd calendar year preceding the calendar year for which aid is~~
9 ~~paid under this section.~~ The department shall make allocations as follows:

10 **SECTION 2323.** 85.20 (4m) (a) 6. a. and b. of the statutes are repealed.

11 **SECTION 2324.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

12 85.20 (4m) (a) 6. cm. Beginning with aid payable for calendar year ~~2000~~ 2001
13 and for each calendar year thereafter, from the appropriation under s. 20.395 (1) (ht),
14 the department shall pay ~~\$53,555,600~~ \$54,894,500 to the eligible applicant that pays
15 the local contribution required under par. (b) 1. for an urban mass transit system that
16 has annual operating expenses in excess of \$80,000,000. If the eligible applicant that
17 receives aid under this subd. 6. cm. is served by more than one urban mass transit
18 system, the eligible applicant may allocate the aid between the urban mass transit
19 systems in any manner the eligible applicant considers desirable.

20 **SECTION 2325.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

21 85.20 (4m) (a) 6. d. Beginning with aid payable for calendar year ~~2000~~ 2001 and
22 for each calendar year thereafter, from the appropriation under s. 20.395 (1) (hu), the
23 department shall pay ~~\$14,297,600~~ \$14,655,000 to the eligible applicant that pays the
24 local contribution required under par. (b) 1. for an urban mass transit system that
25 has annual operating expenses in excess of \$20,000,000 but less than \$80,000,000.

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1 If the eligible applicant that receives aid under this subd. 6. d. is served by more than
2 one urban mass transit system, the eligible applicant may allocate the aid between
3 the urban mass transit systems in any manner the eligible applicant considers
4 desirable.

5 **SECTION 2326.** 85.20 (4m) (a) 7. of the statutes is amended to read:

6 85.20 (4m) (a) 7. a. From the appropriation under s. 20.395 (1) (hr), the uniform
7 percentage for each eligible applicant served by an urban mass transit system
8 operating within an urbanized area having a population as shown in the 1990 2000
9 federal decennial census of at least 50,000 or receiving federal mass transit aid for
10 such area, and not specified in subd. 6.

11 b. For the purpose of making allocations under subd. 7. a., the amounts for aids
12 are ~~\$18,422,500 in calendar year 1999 and \$19,804,200 in calendar year 2000 and~~
13 \$20,299,300 in calendar year 2001 and in each calendar year thereafter. These
14 amounts, to the extent practicable, shall be used to determine the uniform
15 percentage in the particular calendar year.

16 **SECTION 2327.** 85.20 (4m) (a) 8. of the statutes is amended to read:

17 85.20 (4m) (a) 8. a. From the appropriation under s. 20.395 (1) (hs), the uniform
18 percentage for each eligible applicant served by an urban mass transit system
19 operating within an area having a population as shown in the 1990 2000 federal
20 decennial census of less than 50,000 or receiving federal mass transit aid for such
21 area.

22 b. For the purpose of making allocations under subd. 8. a., the amounts for aids
23 are ~~\$4,975,900 in calendar year 1999 and \$5,349,100 in calendar year 2000 and~~
24 \$5,482,800 in calendar year 2001 and in each calendar year thereafter. These

SENATE BILL 55**SECTION 2327**

1 amounts, to the extent practicable, shall be used to determine the uniform
2 percentage in the particular calendar year.

3 **SECTION 2328.** 85.20 (4m) (b) 1. of the statutes is amended to read:

4 85.20 (4m) (b) 1. Except as provided in subd. 2., each eligible applicant shall
5 provide a local contribution, exclusive of user fees, toward operating expenses in an
6 amount equal to at least 20% of state aid allocations to that eligible applicant under
7 ~~this section par. (a).~~

8 **SECTION 2329.** 85.20 (4p) of the statutes is created to read:

9 85.20 (4p) SUPPLEMENTAL MASS TRANSIT AIDS. (a) From the appropriation under
10 s. 20.395 (1) (jq), the department shall make supplemental payments of mass transit
11 aid in calendar year 2003 and in each calendar year thereafter to each eligible
12 applicant specified in sub. (4m) (a) 6. cm. or d. for whom the percentage increase in
13 the average cost per one-way passenger trip taken on the eligible applicant's urban
14 mass transit system in the preceding calendar year did not exceed the percentage
15 increase in the U.S. consumer price index reported for the 12-month period ending
16 on December 31 of that calendar year. If all eligible applicants under this paragraph
17 are eligible to receive payments in a calendar year, the department shall distribute
18 funds in proportion to the number of one-way passenger trips taken on each eligible
19 applicant's urban mass transit system during the preceding calendar year.

20 (b) From the appropriation under s. 20.395 (1) (jr), the department shall make
21 supplemental payments of mass transit aid in calendar year 2003 and in each
22 calendar year thereafter to each eligible applicant specified in sub. (4m) (a) 7. for
23 whom the percentage increase in the average cost per one-way passenger trip taken
24 on the eligible applicant's urban mass transit system in the preceding calendar year
25 did not exceed the percentage increase in the U.S. consumer price index reported for

SENATE BILL 55**SECTION 2329**

1 the 12-month period ending on December 31 of that calendar year. If 2 or more
2 eligible applicants under this paragraph are eligible to receive payments in a
3 calendar year, the department shall distribute funds in proportion to the number of
4 one-way passenger trips taken on each eligible applicant's urban mass transit
5 system during the preceding calendar year. This paragraph does not apply to an
6 eligible applicant that is served exclusively by a shared-ride taxicab system.

7 (c) From the appropriation under s. 20.395 (1) (js), the department shall make
8 supplemental payments of mass transit aid in calendar year 2003 and in each
9 calendar year thereafter to each eligible applicant specified in sub. (4m) (a) 8. for
10 whom the percentage increase in the average cost per one-way passenger trip taken
11 on the eligible applicant's urban mass transit system in the preceding calendar year
12 did not exceed the percentage increase in the U.S. consumer price index reported for
13 the 12-month period ending on December 31 of that calendar year. If 2 or more
14 eligible applicants under this paragraph are eligible to receive payments in a
15 calendar year, the department shall distribute funds in proportion to the number of
16 one-way passenger trips taken on each eligible applicant's urban mass transit
17 system during the preceding calendar year. This paragraph does not apply to an
18 eligible applicant that is served exclusively by a shared-ride taxicab system.

19 (d) From the appropriation under s. 20.395 (1) (jt), the department shall make
20 supplemental payments of mass transit aid in calendar year 2003 and in each
21 calendar year thereafter to each eligible applicant that is served exclusively by a
22 shared-ride taxicab system for whom the percentage increase in the average cost per
23 one-way passenger trip taken on the eligible applicant's shared-ride taxicab system
24 in the preceding calendar year did not exceed the percentage increase in the U.S.
25 consumer price index reported for the 12-month period ending on December 31 of

SENATE BILL 55**SECTION 2329**

1 that calendar year. If all eligible applicants under this paragraph are eligible to
2 receive payments in a calendar year, the department shall distribute funds in
3 proportion to the number of one-way passenger trips taken on each eligible
4 applicant's shared-ride taxicab system during the preceding calendar year.

5 (e) For purposes of this subsection, the department shall determine the average
6 cost per one-way passenger trip for an eligible applicant by dividing the total
7 operating expenses of the eligible applicant's urban mass transit system for a
8 calendar year by the total number of one-way passenger trips taken on the urban
9 mass transit system during that calendar year. The department may use reasonable
10 estimates of operating expenses or one-way passenger trips for new or expanded
11 services if actual operating expenses or number of one-way passenger trips of the
12 new or expanded services are not known.

13 (f) Supplemental payments of mass transit aid under this subsection are in
14 addition to any state aid allocation under sub. (4m) (a).

15 (g) The department shall promulgate rules to implement and administer the
16 payment of mass transit aids under this subsection. The rules shall include a
17 definition of "one-way passenger trip" for purposes of this subsection.

18 **SECTION 2330.** 85.20 (4r) of the statutes is amended to read:

19 85.20 (4r) EXPANSION OF SERVICE. An eligible applicant shall notify the
20 department if the eligible applicant anticipates receiving new or expanded services
21 provided by an urban mass transit system in a manner that will increase operating
22 expenses. The eligible applicant shall provide the notice during the calendar year
23 preceding the calendar year in which the new or expanded services will first be
24 provided. The notice shall include an estimate of the projected annual operating
25 expenses of the new or expanded services. ~~The department may modify the projected~~

SENATE BILL 55**SECTION 2330**

1 ~~annual operating expenses to an amount that the department considers reasonable.~~
2 ~~The department shall adjust the projected annual operating expenses for inflation~~
3 ~~and, for each calendar year for which actual operating costs of the new or expanded~~
4 ~~services are not known, shall add the adjusted projected annual operating expenses~~
5 ~~to the operating expenses used to determine the uniform percentage under sub. (4m)~~
6 ~~(a) (intro.).~~

7 **SECTION 2331.** 85.24 (title) of the statutes is repealed and recreated to read:

8 **85.24 (title) Transportation employment and mobility program.**

9 **SECTION 2332.** 85.24 (1) of the statutes is amended to read:

10 85.24 (1) PURPOSE. The purpose of this section is to promote the conservation
11 of energy, reduce traffic congestion, improve air quality and, enhance the efficient
12 use of existing transportation systems, and enhance the success of welfare-to-work
13 programs by providing efficient and effective transportation services that link
14 low-income workers with jobs, training centers, and child care facilities, by planning
15 and promoting demand management and ride-sharing programs, and by providing
16 technical and financial assistance to public and private organizations for job access
17 and employment transportation assistance programs and for the development and
18 implementation of demand management and ride-sharing programs.

19 **SECTION 2333.** 85.24 (2) (ag) of the statutes is created to read:

20 85.24 (2) (ag) "Job access and employment transportation assistance" means
21 policies and programs that are directed at resolving the transportation needs of
22 low-income workers and recipients of public assistance with respect to
23 transportation to-and-from jobs, including welfare-to-work programs, and
24 activities related to their employment.

25 **SECTION 2334.** 85.24 (2) (br) of the statutes is created to read:

SENATE BILL 55**SECTION 2334**

1 85.24 (2) (br) "Transportation employment and mobility" means policies and
2 programs that encompass demand management, ride sharing, and job access and
3 employment transportation assistance.

4 **SECTION 2335.** 85.24 (3) (a) of the statutes is amended to read:

5 85.24 (3) (a) The department of transportation shall be the lead state agency
6 in demand management and ride-sharing activities and shall collaborate with the
7 department of workforce development in job access and employment transportation
8 assistance programs. The department of transportation shall have all powers
9 necessary to develop and implement a state demand management and ride-sharing
10 assistance program which shall include transportation employment and mobility
11 program that includes the coordination of demand management and, ride-sharing,
12 and job access and employment transportation assistance activities in this state; the
13 promotion and marketing of demand management and, ride-sharing, and job access
14 and employment transportation assistance activities; the dissemination of technical
15 information; the provision of technical and financial assistance to public and private
16 organizations for the planning, development, and implementation of demand
17 management and, ride-sharing, and job access and employment transportation
18 assistance programs; and the development and distribution of computer and
19 manual ride-matching systems.

20 **SECTION 2336.** 85.24 (3) (c) of the statutes is amended to read:

21 85.24 (3) (c) The department may administer a program for the distribution of
22 any federal funds for ride sharing and, demand management, and job access and
23 employment transportation assistance that are made available to the state.

24 **SECTION 2337.** 85.24 (3) (d) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 2337**

1 85.24 (3) (d) (intro.) The department may award grants from the appropriation
2 under s. 20.395 (1) (bs) to public and private organizations for the development and
3 implementation of demand management ~~and, ride-sharing, and job access and~~
4 employment transportation assistance programs. As a condition of obtaining a grant
5 under this paragraph, a public or private organization may be required to provide
6 matching funds at any percentage. ~~The For demand management and ride-sharing~~
7 purposes, the department shall give priority in the awarding of grants to those
8 programs that provide the greatest reduction in automobile trips, especially during
9 peak hours of traffic congestion. The department shall have all powers necessary
10 and convenient to implement this paragraph, including the following powers:

11 **SECTION 2338.** 85.51 (title) of the statutes is amended to read:

12 **85.51 (title) State traffic patrol services; ~~special events fee.~~**

13 **SECTION 2339.** 85.51 of the statutes is renumbered 85.51 (1) and amended to
14 read:

15 85.51 (1) SPECIAL EVENTS FEE. The department may charge ~~the~~ an event
16 sponsor, as defined by rule, a fee, in an amount calculated under a uniform method
17 established by rule, for security and traffic enforcement services provided by the
18 state traffic patrol at any public event for which an admission fee is charged for
19 spectators ~~if the event is organized by a private organization.~~ The department may
20 not impose a fee for such services except as provided in this section subsection.

21 **(3) USE OF FEES.** All moneys received under this ~~subsection~~ section shall be
22 deposited in the general fund and credited to the appropriation account under s.
23 20.395 (5) (dg).

24 **SECTION 2340.** 85.51 (2) of the statutes is created to read:

SENATE BILL 55**SECTION 2340**

1 85.51 (2) SECURITY AND TRAFFIC ENFORCEMENT SERVICES FEE. The department
2 may charge any person a fee, in an amount calculated under a uniform method
3 established by rule, for security and traffic enforcement services provided by the
4 state traffic patrol during that person's installation, inspection, removal, relocation,
5 or repair of a utility facility, as defined in s. 30.40 (19), located on a highway, as
6 defined in s. 340.01 (22), if that person requests such services in writing.

7 **SECTION 2341.** 86.30 (2) (a) 3. (intro.) of the statutes is renumbered 86.30 (2)
8 (a) 3. and amended to read:

9 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a
10 municipality as determined under s. 86.302, the mileage aid payment shall be an
11 amount equal to the following: \$1,747 in calendar year 2001 and \$1,790 in calendar
12 year 2002 and thereafter.

13 **SECTION 2342.** 86.30 (2) (a) 3. g. of the statutes is repealed.

14 **SECTION 2343.** 86.30 (2) (a) 3. h. of the statutes is repealed.

15 **SECTION 2344.** 86.30 (9) (b) of the statutes is amended to read:

16 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
17 the amounts for aids to counties are ~~\$78,744,300 in calendar years 1998 and 1999,~~
18 and ~~\$84,059,500 in calendar year years 2000 and 2001,~~ \$88,598,700 in calendar year
19 2002, and \$89,239,300 in calendar year 2003 and thereafter. These amounts, to the
20 extent practicable, shall be used to determine the statewide county average
21 cost-sharing percentage in the particular calendar year.

22 **SECTION 2345.** 86.30 (9) (c) of the statutes is amended to read:

23 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
24 the amounts for aids to municipalities are ~~\$247,739,100 in calendar years 1998 and~~
25 ~~1999,~~ and ~~\$264,461,500 in calendar year years 2000 and 2001,~~ \$277,684,500 in

SENATE BILL 55**SECTION 2345**

1 calendar year 2002, and \$277,907,200 in calendar year 2003 and thereafter. These
2 amounts, to the extent practicable, shall be used to determine the statewide
3 municipal average cost-sharing percentage in the particular calendar year.

4 **SECTION 2346.** 86.31 (2) (a) of the statutes is amended to read:

5 86.31 **(2)** (a) The department shall administer a local roads improvement
6 program to accelerate the improvement of seriously deteriorating local roads by
7 reimbursing political subdivisions for improvements. The selection of improvements
8 that may be funded under the program shall be performed by officials of each political
9 subdivision, consistent with the requirements of subs. ~~(3)~~, ~~(3g)~~, ~~(3m)~~ and ~~(3r)~~ to (3t).
10 The department shall notify each county highway commissioner of any deadline that
11 affects eligibility for reimbursement under the program no later than 15 days before
12 such deadline.

13 **SECTION 2347.** 86.31 (3) (b) (intro.) of the statutes is amended to read:

14 86.31 **(3)** (b) (intro.) From the appropriation under s. 20.395 (2) (fr), after first
15 deducting the funds allocated under subs. ~~(3g)~~, ~~(3m)~~ and ~~(3r)~~ to (3t), the department
16 shall allocate funds for entitlement as follows:

17 **SECTION 2348.** 86.31 (3t) of the statutes is created to read:

18 86.31 **(3t)** TOWN ROAD AND MUNICIPAL STREET IMPROVEMENTS. From the
19 appropriation under s. 20.395 (2) (fr), the department shall allocate \$529,000 in fiscal
20 year 2001-02 and \$1,954,200 in fiscal year 2002-03 to fund town road improvements
21 with eligible costs totaling \$100,000 or more and to fund municipal street
22 improvement projects having total estimated costs of \$250,000 or more. The funding
23 of improvements under this subsection is in addition to the allocation of funds for
24 entitlements under sub. (3) and the allocation of funds under subs. (3m) and (3r).

25 **SECTION 2349.** 86.31 (6) (d) of the statutes is amended to read:

SENATE BILL 55**SECTION 2349**

1 86.31 (6) (d) Procedures for reimbursements for county trunk highway
2 improvements under sub. (3g), for town road improvements under ~~sub. subs. (3m)~~
3 and (3t), and for municipal street improvements under ~~sub. subs. (3r) and (3t)~~.

4 **SECTION 2350.** 88.01 (8m) of the statutes is repealed.

5 **SECTION 2351.** 88.11 (1) (f) of the statutes is amended to read:

6 88.11 (1) (f) Assist districts in applying for permits under ~~s. 88.31 chs. 30 and~~
7 31.

8 **SECTION 2352.** 88.31 (title) of the statutes is amended to read:

9 **88.31** (title) ~~Special procedure in cases affecting~~ Drainage work in
10 navigable waters.

11 **SECTION 2353.** 88.31 (1) to (7m) of the statutes are repealed.

12 **SECTION 2354.** 88.31 (8) (intro.) of the statutes is amended to read:

13 88.31 (8) (intro.) Subject to other restrictions imposed by this chapter, a
14 drainage board which has obtained all of the permits as required under ~~this chapter~~
15 and ch. 30 may:

16 **SECTION 2355.** 88.35 (5m) of the statutes is repealed.

17 **SECTION 2356.** 88.35 (6) (intro.) of the statutes is amended to read:

18 88.35 (6) (intro.) Upon the completion of its duties under subs. (1) to ~~(5m)~~ (5),
19 the board shall prepare a written report, including a copy of any maps, plans or
20 profiles that it has prepared. The assessment of benefits and awards of damages
21 shall be set forth in substantially the following form:

22 **SECTION 2357.** 88.62 (3) (a) of the statutes is renumbered 88.62 (3) and
23 amended to read:

24 88.62 (3) If drainage work is undertaken in navigable waters, the drainage
25 board shall obtain ~~a permit under s. 30.20 or 88.31 or ch. 31, as directed by the~~

SENATE BILL 55**SECTION 2357**

1 department of natural resources, ~~except as provided in par. (b)~~ any permit that is
2 required under ch. 30 or 31.

3 **SECTION 2358.** 88.62 (3) (b) of the statutes is repealed.

4 **SECTION 2359.** 88.72 (3) of the statutes is amended to read:

5 88.72 (3) At the hearing on the petition, any interested person may appear and
6 contest its sufficiency and the necessity for the work. If the drainage board finds that
7 the petition has the proper number of signers and that to afford an adequate outlet
8 it is necessary to remove dams or other obstructions from waters and streams which
9 may be navigable, or to straighten, clean out, deepen, or widen any waters or streams
10 either within or beyond the limits of the district, the board shall obtain any permit
11 that is required under ~~this chapter~~ or ch. 30 or 31.

12 **SECTION 2360.** 88.72 (4) of the statutes is amended to read:

13 88.72 (4) Within 30 days after the department of natural resources has issued
14 all of the permits as required under ~~this chapter~~ and chs. 30 and 31, the board shall
15 proceed to estimate the cost of the work, including the expenses of the proceeding
16 together with the damages that will result from the work, and shall, within a
17 reasonable time, award damages to all lands damaged by the work and assess the
18 cost of the work against the lands in the district in proportion to the assessment of
19 benefits then in force.

20 **SECTION 2361.** 91.13 (8) (fm) of the statutes is amended to read:

21 91.13 (8) (fm) A statement in boldface uppercase type that contains the
22 following language: “UPON ~~RELINQUISHMENT~~ (WITHDRAWAL OR
23 ~~EXPIRATION)~~ OF FROM THIS AGREEMENT, A PAYBACK OF CREDITS WITH
24 INTEREST PAYMENT TO THE STATE MAY BE REQUIRED.”

25 **SECTION 2362.** 91.17 (1) of the statutes is amended to read:

SENATE BILL 55**SECTION 2362**

1 91.17 (1) Land subject to a farmland preservation agreement may be sold
2 without ~~a lien being filed~~ payment being made under s. 91.19 (7m), subject to the
3 reservation of rights contained in the agreement. The seller shall notify the
4 department of any such transfer. ~~The purchaser shall be liable under any~~
5 ~~subsequent lien under s. 91.19 only for the amount of tax credits paid on that portion~~
6 ~~of the land purchased.~~

7 **SECTION 2363.** 91.17 (2) of the statutes is amended to read:

8 91.17 (2) When the owner of land subject to a farmland preservation agreement
9 dies or is certified by a physician to be totally and permanently disabled, the land
10 may be released from the program under this chapter and shall not be subject to ~~a~~
11 ~~lien~~ payment under s. 91.19 (8) (7m).

12 **SECTION 2364.** 91.17 (3) of the statutes is repealed.

13 **SECTION 2365.** 91.19 (2) (intro.) of the statutes is amended to read:

14 91.19 (2) (intro.) The Subject to sub. (7m), the department may relinquish the
15 farmland preservation agreement or may release part of the land from a farmland
16 preservation agreement prior to the termination date contained in the instrument
17 as follows:

18 **SECTION 2366.** 91.19 (3) of the statutes is amended to read:

19 91.19 (3) If the request for relinquishment of the farmland preservation
20 agreement or release of part of the land from the agreement is approved by the local
21 governing body having jurisdiction, a copy of the application, along with the
22 comments and recommendations of the reviewing agencies, shall be forwarded to the
23 board. The board shall, within 60 days, upon consideration of the factors in sub. (2)
24 (b) and (c) 2., approve or reject the application for relinquishment or release. If the
25 board approves the application it shall notify the local governing body having

SENATE BILL 55**SECTION 2366**

1 jurisdiction, the department of agriculture, trade and consumer protection, and the
2 department of revenue, ~~prepare an instrument under sub. (7) and record it with the~~
3 ~~register of deeds of the county in which the land is located.~~

4 **SECTION 2367.** 91.19 (5) of the statutes is amended to read:

5 91.19 (5) If the application for relinquishment of the agreement or release of
6 part of the land from the agreement is rejected by the local governing body having
7 jurisdiction, the application shall be returned to the applicant with a written
8 statement regarding the reasons for rejection. Within 30 days after receipt of the
9 rejected application, the applicant may appeal the rejection to the board. The board
10 shall, within 60 days after the appeal has been received, upon consideration of the
11 factors listed in sub. (2) (b) and (c) 2., approve or reject the request for relinquishment
12 or release. If the board approves the application it shall notify the local governing
13 body having jurisdiction, the department of agriculture, trade and consumer
14 protection, and the department of revenue, ~~prepare an instrument under sub. (7) and~~
15 ~~record it with the register of deeds of the county in which the land is located.~~

16 **SECTION 2368.** 91.19 (6p) of the statutes is repealed.

17 **SECTION 2369.** 91.19 (6t) of the statutes is amended to read:

18 91.19 (6t) The Subject to sub. (7m), the department shall relinquish from a
19 farmland preservation agreement land that has been subject to a farmland
20 preservation agreement for at least 10 years if the owner of the land so requests.

21 **SECTION 2370.** 91.19 (7) of the statutes is repealed.

22 **SECTION 2371.** 91.19 (7m) of the statutes is created to read:

23 91.19 (7m) (a) Except as provided in par. (b), the department may not
24 relinquish a farmland preservation agreement under sub. (2) or (6t) or release land
25 from a farmland preservation agreement under sub. (2) until the owner pays to the

SENATE BILL 55**SECTION 2371**

1 department \$50 per acre of land that is no longer covered by the farmland
2 preservation agreement.

3 (b) The payment under par. (a) does not apply to land that is zoned for
4 exclusively agricultural use under an ordinance certified under subch. V.

5 **SECTION 2372.** 91.19 (8) to (13) of the statutes are repealed.

6 **SECTION 2373.** 91.21 (1) of the statutes is amended to read:

7 91.21 (1) If the owner or a successor in title of the land upon which a farmland
8 preservation agreement has been recorded under this chapter changes the use of the
9 land to a prohibited use without first acting under ss. 91.17 and 91.19 and the land
10 is not relinquished under s. 91.19 ~~(6p)~~ or (6t), the owner or successor in title may be
11 enjoined by the state, acting through the attorney general, or by the local governing
12 body having jurisdiction, acting through its attorney, and is subject to a civil penalty
13 for actual damages, but in no case to exceed double the value of the land as
14 established at the time the application for the agreement was approved.

15 **SECTION 2374.** 91.23 of the statutes is amended to read:

16 **91.23 Conversion.** An owner under a farmland preservation agreement may
17 at any time apply for a transition area agreement, and an owner under a transition
18 area agreement may at any time apply for a farmland preservation agreement. If
19 such an application is approved, the prior agreement shall be relinquished without
20 ~~a lien being filed~~ payment being made under s. 91.19 (7m).

21 **SECTION 2375.** Subchapter III of chapter 91 [precedes 91.31] of the statutes is
22 repealed.

23 **SECTION 2376.** 91.75 (6) of the statutes is amended to read:

24 91.75 (6) For purposes of farm consolidation and if permitted by local
25 regulation, farm residences or structures ~~which~~ that existed prior to the adoption of

SENATE BILL 55**SECTION 2376**

1 the ordinance may be separated from a larger farm parcel. Farm residences or
2 structures with up to 5 acres of land which that are separated from a larger farm
3 parcel under this section are not subject to ~~the lien under s. 91.19 (8) to (10), as the~~
4 payment required in s. 91.77 (2) or 91.79.

5 **SECTION 2377.** 91.77 (2) of the statutes is amended to read:

6 91.77 (2) ~~Land which is rezoned~~ Rezoning under this section shall be subject
7 ~~to the lien provided under s. 91.19 (8) to (10) for the amount of tax credits paid on the~~
8 ~~land rezoned~~ conditioned on the payment, to the county, city, village, or town that
9 approves the petition, of \$60 per acre of land that is rezoned. A county, city, village,
10 or town that receives payment under this subsection shall pay to the state the
11 amount received. If the rezoning occurs solely as a result of action initiated by a
12 governmental unit, ~~any lien required under s. 91.19 (8) to (10) the payment~~ shall be
13 ~~paid~~ made to the state by the governmental unit initiating the action.

14 **SECTION 2378.** 91.79 of the statutes is amended to read:

15 **91.79 Conditional uses; lien payment.** Any ~~land zoned under this~~
16 ~~subchapter which is granted a special exception or conditional use permit for a use~~
17 ~~which that~~ is not an agricultural use that is granted for land zoned under this
18 subchapter shall be subject to ~~the lien provided under s. 91.19 (8) to (10) for the~~
19 ~~amount of tax credits paid on the land granted such a permit~~ conditioned on the
20 payment, to the county, city, village, or town that grants the special exception or
21 conditional use permit, of \$60 per acre of land for which the special exception or
22 conditional use permit is granted. A county, city, village, or town that receives
23 payment under this section shall pay to the state the amount received.

24 **SECTION 2379.** 92.10 (4) (a) of the statutes, as affected by 1997 Wisconsin Act
25 27, is repealed and recreated to read:

SENATE BILL 55**SECTION 2379**

1 92.10 (4) (a) *Data*. The department shall develop a systematic method of
2 collecting and organizing data related to soil erosion. The department shall
3 cooperate with the department of administration under s. 16.967 and consider any
4 recommendations of the Wisconsin land council in developing this methodology or
5 any related activities related to land information collection.

6 **SECTION 2380.** 92.14 (3) (intro.) of the statutes is amended to read:

7 92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties fund their
8 land and water conservation activities, the department shall award an annual grant
9 from the appropriation under s. 20.115 (7) (c) ~~or (qd)~~ or under s. 20.866 (2) (we) to any
10 county land conservation committee that has a land and water resource
11 management plan approved by the department under s. 92.10 (4) (d), and that, by
12 county board action, has resolved to provide any matching funds required under sub.
13 (5g). The county may use the grant for land and water resource management
14 planning and for any of the following purposes, consistent with the approved land
15 and water resource management plan:

16 **SECTION 2381.** 93.01 (1m) of the statutes is amended to read:

17 93.01 (1m) “Business” includes any business, except that of banks, savings
18 banks, credit unions, savings and loan associations, and insurance companies.
19 “Business” includes public utilities and telecommunications carriers to the extent
20 that their activities, beyond registration, notice, and reporting activities, are not
21 regulated by the public service commission and includes public utility and
22 telecommunications carrier methods of competition or trade and advertising
23 practices that are exempt from regulation by the public service commission under s.
24 196.195, 196.196, 196.202, 196.203, 196.219, or 196.499 or by other action of the
25 commission.

SENATE BILL 55**SECTION 2382**

1 **SECTION 2382.** 93.06 (8) of the statutes is amended to read:

2 93.06 (8) PRESCRIBE CONDITIONS OF LICENSES. Except as provided in s. 93.135,
3 issue any permit, certificate, registration or license on a temporary or conditional
4 basis, contingent upon pertinent circumstances or acts. If the temporary or
5 conditional permit, certificate, registration or license is conditioned upon compliance
6 with chs. 93 to 100, ch. ~~127~~ 126, a rule promulgated by the department or a regulation
7 adopted under s. 97.41 (7) within a specified period of time and the condition is not
8 met within the specified period, the permit, certificate, registration or license shall
9 be void.

10 **SECTION 2383.** 93.06 (12) of the statutes is created to read:

11 93.06 (12) FEDERAL AGRICULTURAL POLICY REFORM. Provide assistance to
12 organizations to seek the reform of federal agricultural policy for the benefit of
13 agricultural producers in this state. This subsection does not apply after June 30,
14 2005.

15 **SECTION 2384.** 93.07 (25) of the statutes is repealed.

16 **SECTION 2385.** 93.135 (1) (rm) of the statutes is amended to read:

17 93.135 (1) (rm) A ~~registration certificate~~ license under s. ~~100.03 (2)~~ 126.56.

18 **SECTION 2386.** 93.135 (1) (s) of the statutes is amended to read:

19 93.135 (1) (s) A license under s. ~~127.02 (1)~~ 126.26.

20 **SECTION 2387.** 93.135 (1) (sm) of the statutes is amended to read:

21 93.135 (1) (sm) A license under s. ~~127.03 (1)~~ 126.11.

22 **SECTION 2388.** 93.20 (1) of the statutes is amended to read:

23 93.20 (1) DEFINITION. In this section, "action" means an action that is
24 commenced in court by, or on behalf of, the department of agriculture, trade and
25 consumer protection to enforce chs. 88, 91 to 100 or ~~127~~ 126.

SENATE BILL 55**SECTION 2389**

1 **SECTION 2389.** 93.21 (5) (a) of the statutes is amended to read:

2 93.21 (5) (a) In this subsection, “license” means a permit, certificate,
3 registration or license issued by the department under chs. 91 to 100 or ch. ~~127~~ 126.

4 **SECTION 2390.** 93.23 (1) (h) of the statutes is repealed.

5 **SECTION 2391.** 93.46 (3) of the statutes is created to read:

6 93.46 (3) (a) The department may make grants and provide technical
7 assistance to agricultural producers and agricultural organizations to support
8 preliminary research and investigations on potential business enterprises that may
9 increase the value of raw agricultural commodities.

10 (b) The department may not provide funding under this subsection for more
11 than 2 years for research and investigations related to a single business enterprise.
12 The department may not award more than \$25,000 under this subsection for
13 research and investigations related to a single business enterprise.

14 (c) The department shall promulgate rules for the administration of this
15 subsection.

16 **SECTION 2392.** 93.47 (2) of the statutes is amended to read:

17 93.47 (2) The department may award grants from the appropriation accounts
18 under s. 20.115 (4) (c) and (i) ~~(8)~~ (g) to individuals or organizations to fund
19 demonstration projects designed to encourage the use of sustainable agriculture.
20 The department shall promulgate rules to govern the sustainable agriculture grant
21 program under this section.

22 **SECTION 2393.** 93.48 of the statutes is repealed.

23 **SECTION 2394.** 93.50 (1) (g) of the statutes is amended to read:

24 93.50 (1) (g) “Procurement contract” has the meaning given for “vegetable
25 procurement contract” in s. ~~100.03 (1) (vm)~~ 126.55 (15).

SENATE BILL 55**SECTION 2395**

1 **SECTION 2395.** 94.02 (4) of the statutes is amended to read:

2 94.02 (4) ~~This section pertains to the abatement of pests on agricultural lands~~
3 ~~and on agricultural business premises.~~ This section does not affect the authority of
4 the department of natural resources under ch. 26.

5 **SECTION 2396.** 94.72 (14) (a) of the statutes is amended to read:

6 94.72 (14) (a) A person who violates this section or an order issued or a rule
7 promulgated under this section ~~shall~~ may be fined not more than \$200 or imprisoned
8 not more than 6 months or both.

9 **SECTION 2397.** 94.72 (14) (am) of the statutes is created to read:

10 94.72 (14) (am) The department or any district attorney may commence an
11 action in the name of the state to recover a civil forfeiture to the state of not less than
12 \$100 nor more than \$5,000 for each violation of this section, or an order issued or a
13 rule promulgated under this section.

14 **SECTION 2398.** 95.15 of the statutes is repealed.

15 **SECTION 2399.** 95.60 (8) of the statutes is created to read:

16 95.60 (8) The department may provide training to veterinarians and other
17 persons who issue fish health certificates for the purposes of this section. The
18 department may charge fees to recover the cost of providing the training.

19 **SECTION 2400.** 97.20 (2) (d) 2. of the statutes is amended to read:

20 97.20 (2) (d) 2. The license applicant has filed all financial information required
21 under s. 126.44 and any security required under s. ~~100.06~~ 126.47. If an applicant has
22 not filed all financial information under s. 126.44 and any security required under
23 s. ~~100.06~~ 126.47, the department may issue a conditional dairy plant license under
24 s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk

SENATE BILL 55**SECTION 2400**

1 products from milk producers or their agents, but allows the operator to purchase
2 milk or fluid milk products from other sources.

3 **SECTION 2401.** 97.20 (3m) of the statutes is amended to read:

4 97.20 (3m) CONFIDENTIALITY. Any information kept by the department under
5 this section or s. 97.24 that identifies individual milk producers who deliver milk to
6 a dairy plant licensed under this section and that is a composite list for that dairy
7 plant is not subject to inspection under s. 19.35 unless inspection is required under
8 s. ~~100.06 (4)~~ 126.70 or unless the department determines that inspection is necessary
9 to protect the public health, safety or welfare.

10 **SECTION 2402.** 97.22 (10) of the statutes is amended to read:

11 97.22 (10) CONFIDENTIALITY. Any information obtained and kept by the
12 department under this section, under s. 97.24 or 97.52, or under rules promulgated
13 under those sections, that pertains to individual milk producer production, milk fat
14 and other component tests and quality records is not subject to inspection under s.
15 19.35 except as required under s. ~~100.06 (4)~~ 126.70 or except as the department
16 determines is necessary to protect the public health, safety or welfare.

17 **SECTION 2403.** 97.29 (4) of the statutes is amended to read:

18 97.29 (4) FOOD PROCESSING PLANTS BUYING VEGETABLES FROM PRODUCERS. The
19 department may not issue or renew a license to operate a food processing plant to any
20 applicant who is a vegetable contractor, as defined in s. ~~100.03 (1) (f)~~ 126.55 (14),
21 unless the applicant has filed all financial information required under s. 126.58 and
22 any security that is required under s. ~~100.03~~ 126.61. If an applicant has not filed all
23 financial information required under s. 126.58 and any security that is required
24 under s. ~~100.03~~ 126.61, the department may issue a conditional license under s. 93.06
25 (8) that prohibits the licensed operator from procuring vegetables from a producer

SENATE BILL 55**SECTION 2403**

1 or a producer's agent, but allows the operator to procure vegetables from other
2 sources.

3 **SECTION 2404.** 100.03 of the statutes is repealed.

4 **SECTION 2405.** 100.06 of the statutes is repealed.

5 **SECTION 2406.** 100.18 (11) (d) of the statutes is amended to read:

6 100.18 (11) (d) The department ~~or the department of justice, after consulting~~
7 ~~with the department,~~ or any district attorney, upon informing the department, may
8 commence an action in circuit court in the name of the state to restrain by temporary
9 or permanent injunction any violation of this section. The court may in its discretion,
10 prior to entry of final judgment, make such orders or judgments as may be necessary
11 to restore to any person any pecuniary loss suffered because of the acts or practices
12 involved in the action, provided proof thereof is submitted to the satisfaction of the
13 court. The department ~~and the department of justice~~ may subpoena persons and
14 require the production of books and other documents, ~~and the department of justice~~
15 ~~may request the department to exercise its authority under par. (c) to aid in the~~
16 ~~investigation of alleged violations of this section.~~

17 **SECTION 2407.** 100.18 (11) (e) of the statutes is amended to read:

18 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
19 section, the department ~~or the department of justice~~ may accept a written assurance
20 of discontinuance of any act or practice alleged to be a violation of this section from
21 the person who has engaged in such act or practice. The acceptance of such assurance
22 by ~~either the department or the department of justice~~ shall be deemed acceptance by
23 the other state officials enumerated in par. (d) if the terms of the assurance so
24 provide. An assurance entered into pursuant to this section shall not be considered
25 evidence of a violation of this section, provided that violation of such an assurance

SENATE BILL 55**SECTION 2407**

1 shall be treated as a violation of this section, and shall be subjected to all the
2 penalties and remedies provided therefor.

3 **SECTION 2408.** 100.20 (2) (b) of the statutes is amended to read:

4 100.20 (2) (b) Notwithstanding par. (a), the department may not issue any
5 order or promulgate any rule that regulates the provision of water or sewer service
6 by a ~~mobile~~ manufactured home park operator, as defined in s. ~~196.01 (3t)~~ 101.91 (8),
7 or ~~mobile~~ manufactured home park contractor, as defined in s. ~~196.01 (3q)~~ 101.91
8 (6m), or enforce any rule to the extent that the rule regulates the provision of such
9 water or sewer service.

10 **SECTION 2409.** 100.20 (4) of the statutes is amended to read:

11 100.20 (4) ~~The department of justice~~ district attorney may file a written
12 complaint with the department alleging that the person named is employing unfair
13 methods of competition in business or unfair trade practices in business or both.
14 Whenever such a complaint is filed it shall be the duty of the department to proceed,
15 after proper notice and in accordance with its rules, to the hearing and adjudication
16 of the matters alleged, and a representative of the ~~department of justice~~ designated
17 ~~by the attorney general~~ district attorney may appear before the department in such
18 proceedings. ~~The department of justice~~ district attorney shall be entitled to judicial
19 review of the decisions and orders of the department under ch. 227.

20 **SECTION 2410.** 100.207 (6) (b) 1. of the statutes is amended to read:

21 100.207 (6) (b) 1. ~~The department of justice, after consulting with the~~
22 ~~department of agriculture, trade and consumer protection,~~ or any district attorney
23 upon informing the department of agriculture, trade and consumer protection, may
24 commence an action in circuit court in the name of the state to restrain by temporary
25 or permanent injunction any violation of this section. Injunctive relief may include

SENATE BILL 55**SECTION 2410**

1 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
2 discontinue telecommunications service provided to a person violating this section
3 or ch. 196. Before entry of final judgment, the court may make such orders or
4 judgments as may be necessary to restore to any person any pecuniary loss suffered
5 because of the acts or practices involved in the action if proof of these acts or practices
6 is submitted to the satisfaction of the court.

7 **SECTION 2411.** 100.207 (6) (b) 2. of the statutes is amended to read:

8 100.207 (6) (b) 2. The department may exercise its authority under ss. 93.14
9 to 93.16 and 100.18 (11) (c) to administer this section. The department ~~and the~~
10 ~~department of justice~~ may subpoena persons and require the production of books and
11 other documents, ~~and the department of justice may request the department of~~
12 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
13 ~~investigation of alleged violations of this section.~~

14 **SECTION 2412.** 100.207 (6) (c) of the statutes is amended to read:

15 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
16 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
17 paragraph shall be enforced by the ~~department of justice, after consulting with the~~
18 department of agriculture, trade and consumer protection, or, upon informing the
19 department, by the district attorney of the county where the violation occurs.

20 **SECTION 2413.** 100.207 (6) (em) 1. of the statutes is amended to read:

21 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
22 department shall form an advisory group to suggest recommendations regarding the
23 content and scope of the proposed rule. The advisory group shall consist of one or
24 more persons who may be affected by the proposed rule, ~~a representative from the~~
25 ~~department of justice~~ and a representative from the public service commission.

SENATE BILL 55**SECTION 2414**

1 **SECTION 2414.** 100.235 (1) (b) of the statutes is amended to read:

2 100.235 (1) (b) “Contractor” has the meaning given for “vegetable contractor”
3 under s. ~~100.03 (1) (f)~~ 126.55 (14).

4 **SECTION 2415.** 100.235 (1) (em) of the statutes is renumbered 100.235 (1) (dm)
5 and amended to read:

6 100.235 (1) (dm) “~~Registration~~ License year” has the meaning given under s.
7 ~~100.03 (1) (y)~~ 126.55 (10m).

8 **SECTION 2416.** 100.235 (2) of the statutes is amended to read:

9 100.235 (2) CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR'S COST TO
10 GROW. If a contractor and the contractor's affiliates and subsidiaries collectively grow
11 more than 10% of the acreage of any vegetable species grown and procured by the
12 contractor in any ~~registration~~ license year, the contractor shall pay a producer, for
13 vegetables of that species tendered or delivered under a vegetable procurement
14 contract, a price not less than the contractor's cost to grow that vegetable species in
15 the same growing region. For vegetables contracted on a tonnage basis and for
16 open-market tonnage purchased, acreage under this subsection shall be determined
17 using the state average yield per acre during the preceding ~~registration~~ license year.

18 **SECTION 2417.** 100.235 (3) of the statutes is repealed.

19 **SECTION 2418.** 100.235 (4) of the statutes is amended to read:

20 100.235 (4) COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST. If the
21 department determines that a contractor and the contractor's affiliates and
22 subsidiaries will collectively grow more than 10% of the acreage of any vegetable
23 species grown and procured by the contractor during a ~~registration~~ license year, the
24 department may require the contractor to file a statement of the contractor's cost to
25 grow that vegetable species. The contractor shall file the report with the department

SENATE BILL 55**SECTION 2418**

1 within 30 days after the department makes its request, unless the department
2 grants an extension of time. The department may permit the contractor to report
3 different costs to grow for different growing regions if the contractor can define the
4 growing regions to the department's satisfaction, and can show to the department's
5 satisfaction that the contractor's costs to grow are substantially different between
6 the growing regions.

7 **SECTION 2419.** 100.24 of the statutes is amended to read:

8 **100.24 Revocation of corporate authority.** Any corporation, or limited
9 liability company, foreign or domestic, ~~which~~ that violates any order issued under s.
10 100.20 may be enjoined from doing business in this state and its certificate of
11 authority, incorporation, or organization may be canceled or revoked. The ~~attorney~~
12 ~~general~~ department may bring an action for this purpose in the name of the state.
13 In any such action judgment for injunction, cancellation, or revocation may be
14 rendered by the court, upon such terms as it deems just and in the public interest,
15 but only upon proof of a substantial and ~~wilful~~ willful violation.

16 **SECTION 2420.** 100.26 (5) of the statutes is amended to read:

17 100.26 (5) Any person violating s. ~~100.06 or any order or regulation of the~~
18 ~~department thereunder, or s. 100.18 (9),~~ shall be fined not less than \$100 nor more
19 than \$1,000 or imprisoned for not more than 2 years or both. Each day of violation
20 constitutes a separate offense.

21 **SECTION 2421.** 100.26 (6) of the statutes is amended to read:

22 100.26 (6) The department, ~~the department of justice, after consulting with the~~
23 ~~department,~~ or any district attorney may commence an action in the name of the
24 state to recover a civil forfeiture to the state of not less than \$100 nor more than
25 \$10,000 for each violation of an injunction issued under s. 100.18, 100.182, or 100.20

SENATE BILL 55**SECTION 2421**

1 (6). The department of agriculture, trade and consumer protection or any district
2 attorney may commence an action in the name of the state to recover a civil forfeiture
3 to the state of not less than \$100 nor more than \$10,000 for each violation of an order
4 issued under s. 100.20.

5 **SECTION 2422.** 100.261 (title) of the statutes is amended to read:

6 **100.261 (title) Consumer information protection assessment.**

7 **SECTION 2423.** 100.261 (1) of the statutes is amended to read:

8 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,
9 ch. 98, a rule promulgated under this chapter or ch. 98 or an ordinance enacted under
10 this chapter or ch. 98, the court shall also impose a consumer information protection
11 assessment in an amount equal to ~~15%~~ 25% of the fine or forfeiture imposed. If
12 multiple violations are involved, the court shall base the consumer information
13 protection assessment upon the the total of the fine or forfeiture amounts for all
14 violations. If a fine or forfeiture is suspended in whole or in part, the court shall
15 reduce the assessment in proportion to the suspension.

16 **SECTION 2424.** 100.261 (2) of the statutes is amended to read:

17 100.261 (2) If any deposit is made for a violation to which this section applies,
18 the person making the deposit shall also deposit a sufficient amount to include the
19 consumer information protection assessment required under this section. If the
20 deposit is forfeited, the amount of the consumer information protection assessment
21 shall be transmitted to the state treasurer under sub. (3). If the deposit is returned,
22 the consumer information protection assessment shall also be returned.

23 **SECTION 2425.** 100.261 (3) (a) of the statutes is amended to read:

24 100.261 (3) (a) The clerk of court shall collect and transmit the consumer
25 information protection assessment amounts to the county treasurer under s. 59.40

SENATE BILL 55**SECTION 2425**

1 (2) (m). The county treasurer shall then make payment to the state treasurer under
2 s. 59.25 (3) (f) 2.

3 **SECTION 2426.** 100.261 (3) (b) 1. of the statutes is renumbered 100.261 (3) (b)
4 and amended to read:

5 100.261 (3) (b) The state treasurer shall deposit the consumer protection
6 assessment amounts in the general fund and shall credit them to the appropriation
7 account under s. 20.115 (1) (jb), subject to the limit under ~~subd. 2~~ par. (c).

8 **SECTION 2427.** 100.261 (3) (b) 2. of the statutes is renumbered 100.261 (3) (c)
9 and amended to read:

10 100.261 (3) (c) The amount credited to the appropriation account under s.
11 20.115 (1) (jb) may not exceed ~~\$85,000~~ \$185,000 in each fiscal year.

12 **SECTION 2428.** 100.263 of the statutes is amended to read:

13 **100.263 Recovery.** In addition to other remedies available under this chapter,
14 the court may award the department the reasonable and necessary costs of
15 investigation and an amount reasonably necessary to remedy the harmful effects of
16 the violation, and the court may award the department of justice the reasonable and
17 necessary expenses of prosecution, including attorney fees, from any person who
18 violates this chapter. The department ~~and the department of justice~~ shall deposit in
19 the state treasury for deposit in the general fund all moneys that the court awards
20 to the department, ~~the department of justice~~ or the state under this section. ~~Ten~~
21 ~~percent of the money deposited in the general fund that was awarded under this~~
22 ~~section for the costs of investigation and the expenses of prosecution, including~~
23 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

24 **SECTION 2429.** 100.264 (2) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 2429**

1 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
2 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,
3 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 or
4 a rule promulgated under one of those sections, the person shall be subject to a
5 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the
6 defendant, for which the violation was imposed, was perpetrated against an elderly
7 person or disabled person and if the court finds that any of the following factors is
8 present:

9 **SECTION 2430.** 100.285 (6) of the statutes is repealed.

10 **SECTION 2431.** 100.37 (8) of the statutes is renumbered 100.37 (8) (a) and
11 amended to read:

12 100.37 (8) (a) Whoever violates this section or an order issued or a rule
13 promulgated under this section may be fined not more than \$5,000 or imprisoned not
14 more than one year in the county jail or both.

15 **SECTION 2432.** 100.37 (8) (b) of the statutes is created to read:

16 100.37 (8) (b) The department or any district attorney may commence an action
17 in the name of the state to recover a civil forfeiture to the state of not less than \$100
18 nor more than \$5,000 for each violation of this section, or an order issued or a rule
19 promulgated under this section.

20 **SECTION 2433.** 100.42 (6) of the statutes is created to read:

21 100.42 (6) PENALTIES. (a) Any person who violates this section may be fined
22 an amount not to exceed \$200 or imprisoned in the county jail for not more than 6
23 months or both.

24 (b) The department or any district attorney may commence an action in the
25 name of the state to recover a civil forfeiture to the state of not less than \$100 nor

SENATE BILL 55**SECTION 2433**

1 more than \$5,000 for each violation of this section, or an order issued or a rule
2 promulgated under this section.

3 **SECTION 2434.** 100.45 (1) (dm) of the statutes is amended to read:

4 100.45 (1) (dm) "State agency" means any office, department, agency,
5 institution of higher education, association, society or other body in state
6 government created or authorized to be created by the constitution or any law which
7 is entitled to expend moneys appropriated by law, including the legislature and the
8 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
9 Center Sports and Entertainment Corporation, the University of Wisconsin
10 Hospitals and Clinics Authority ~~and~~, the Wisconsin Health and Educational
11 Facilities Authority, and the Fox River Navigational System Authority.

12 **SECTION 2435.** 100.52 (title) of the statutes is created to read:

13 **100.52 (title) Telephone solicitations.**

14 **SECTION 2436.** 100.52 (1) (title) of the statutes is created to read:

15 100.52 (1) (title) DEFINITIONS.

16 **SECTION 2437.** 100.52 (1) (a) of the statutes is created to read:

17 100.52 (1) (a) "Blocking service" means a service that allows a person who
18 makes a telephone call to withhold the telephone number or name associated with
19 the telephone line used to make the call from a person who receives the call and who
20 uses a caller identification service.

21 **SECTION 2438.** 100.52 (1) (b) of the statutes is created to read:

22 100.52 (1) (b) "Business entity" means any organization or enterprise that is
23 operated for profit or that is nonprofit and nongovernmental, including a sole
24 proprietorship, association, business trust, corporation, joint venture, limited
25 liability company, limited liability partnership, partnership, or syndicate.

SENATE BILL 55**SECTION 2439**

1 **SECTION 2439.** 100.52 (1) (c) of the statutes is created to read:

2 100.52 (1) (c) “Caller identification service” means a service that allows a
3 person who receives a telephone call to identify the telephone number or name
4 associated with the telephone line used to make the call.

5 **SECTION 2440.** 100.52 (1) (d) of the statutes is created to read:

6 100.52 (1) (d) “Professional telemarketer” means a business entity with
7 employees whose primary duty is to make telephone solicitations.

8 **SECTION 2441.** 100.52 (3) of the statutes is created to read:

9 100.52 (3) TELEPHONE SOLICITATION DISCLOSURES. An employee of a professional
10 telemarketer may not make a telephone solicitation unless, when initiating the
11 telephone conversation, the employee discloses to the recipient of the telephone call
12 each of the following:

13 (a) The employee’s name.

14 (b) The identity of the person selling the property, goods, or services for whom
15 the telephone solicitation is being made.

16 (c) The purpose of the call.

17 **SECTION 2442.** 100.52 (4) of the statutes is created to read:

18 100.52 (4) TELEPHONE SOLICITATION NOTICES. An employee of a professional
19 telemarketer may not make a telephone solicitation to a person who has provided
20 notice to the professional telemarketer that the person does not want to receive
21 telephone solicitations.

22 **SECTION 2443.** 100.52 (5) of the statutes is created to read:

23 100.52 (5) BLOCKING SERVICES. An employee of a professional telemarketer may
24 not use a blocking service when making a telephone solicitation.

25 **SECTION 2444.** 100.52 (6) of the statutes is created to read:

SENATE BILL 55**SECTION 2444**

1 100.52 (6) TERRITORIAL APPLICATION. This section applies to any interstate
2 telephone solicitation received by a person in this state and to any intrastate
3 telephone solicitation.

4 **SECTION 2445.** 100.52 (7) of the statutes is created to read:

5 100.52 (7) ENFORCEMENT. The department, or any district attorney upon
6 informing the department, may investigate violations of this section and bring an
7 action for temporary or permanent injunctive or other relief for any violation of this
8 section.

9 **SECTION 2446.** 100.52 (8) of the statutes is created to read:

10 100.52 (8) PENALTIES. If an employee of a professional telemarketer violates
11 this section, the professional telemarketer may be required to forfeit not more than
12 \$500 for each violation.

13 **SECTION 2447.** 101.01 (5m) of the statutes is created to read:

14 101.01 (5m) "Fire department" means any of the following:

15 (a) A fire company under ch. 213 that provides fire protection services to a city,
16 village, or town.

17 (b) A department established by a city, village, or town that provides fire
18 protection services to a city, village, or town.

19 (c) A joint fire department that provides fire protection services to a city, village,
20 or town.

21 (d) A person that contracts to provide fire protection services to a town under
22 s. 60.55 (1) (a) 3.

23 **SECTION 2448.** 101.02 (15) (am) of the statutes is created to read:

24 101.02 (15) (am) The department has jurisdiction over and supervision of all
25 buildings, structures, premises, and public thoroughfares in this state for the

SENATE BILL 55**SECTION 2448**

1 purpose of administering all laws of this state relating to fire inspections, fire
2 prevention, fire detection, and fire suppression.

3 **SECTION 2449.** 101.09 (3) (d) of the statutes is created to read:

4 101.09 (3) (d) The department shall promulgate a rule specifying fees for plan
5 review and inspection of tanks for the storage, handling, or use of flammable or
6 combustible liquids and for any certification or registration required under par. (c).

7 **SECTION 2450.** 101.139 of the statutes is created to read:

8 **101.139 Fire safety and injury prevention education program.** The
9 department may develop and administer a fire safety and injury prevention
10 education program, designed to educate the public regarding fire prevention, fire
11 detection, fire suppression, injury prevention, and any other related subject matter.
12 The department may make grants to support the purposes of the program.

13 **SECTION 2451.** 101.14 (1) (title) of the statutes is created to read:

14 101.14 (1) (title) AUTHORITY AND DUTIES OF DEPARTMENT; GENERALLY.

15 **SECTION 2452.** 101.14 (1) (b) and (bm) of the statutes are amended to read:

16 101.14 (1) (b) The Except as otherwise provided in this paragraph, the
17 secretary and or any deputy may, at all any reasonable hours time, enter into and
18 upon all buildings, premises and public thoroughfares excepting only the interior of
19 private dwellings, any building, premises, or public thoroughfare for the purpose of
20 ascertaining and causing to be corrected any condition liable to cause fire, or any
21 violation of any law or order relating to the a fire hazard or relating to the prevention
22 of fire. This paragraph does not provide the secretary or any deputy with authority
23 to enter the interior of a private dwelling.

24 (bm) The secretary and or any deputy may, at all any reasonable hours time,
25 enter the interior of a private dwellings dwelling at the request of the owner or renter

SENATE BILL 55**SECTION 2452**

1 for the purpose of ~~s. 101.145 (6) or 101.645 (4)~~ verifying the proper installation and
2 maintenance of fire suppression devices and fire detection devices.

3 **SECTION 2453.** 101.14 (1) (c) of the statutes is renumbered 101.14 (3) (b) and
4 amended to read:

5 101.14 (3) (b) The department is ~~hereby empowered and directed to~~ shall
6 provide the form of a course of study in fire prevention for use in the public schools,
7 dealing. The course of study shall deal with the protection of lives and property
8 against loss or damage as a result of preventable fires, ~~and.~~ The department shall
9 transmit the same ~~by the first day of August in each year~~ form of the course of study
10 to the state superintendent of public instruction no later than August 1 of each year.

11 **SECTION 2454.** 101.14 (2) (title) of the statutes is created to read:

12 101.14 (2) (title) AUTHORITY AND DUTIES OF LOCAL GOVERNMENTS AND THEIR
13 AGENTS AND CONTRACTORS.

14 **SECTION 2455.** 101.14 (2) (a) of the statutes is amended to read:

15 101.14 (2) (a) Each city, village, and town shall ensure that all duties
16 established under this subsection are carried out in the city, village, or town. The
17 chief of the fire department in ~~every~~ each city, village, or town, ~~except cities of the 1st~~
18 ~~class~~ other than a 1st class city, is constituted a deputy of the department, subject
19 to the right of the department to relieve ~~any such~~ the chief from his or her duties as
20 ~~such~~ a deputy for cause, and, upon ~~such~~ the suspension, to appoint some other person
21 to perform the duty imposed upon ~~such~~ the deputy. ~~The~~ In a 1st class city, the
22 department may appoint ~~either~~ the chief of the fire department or the building
23 inspector as ~~its~~ the department's deputy ~~in cities of the 1st class.~~

24 **SECTION 2456.** 101.14 (2) (e) of the statutes is amended to read:

SENATE BILL 55**SECTION 2456**

1 101.14 (2) (e) Written reports of inspection shall be made and kept on file by
2 the local authority having with jurisdiction to conduct inspections, or its designee,
3 in the manner and form required by the department.

4 **SECTION 2457.** 101.14 (2) (f) of the statutes is renumbered 101.14 (1) (cm) and
5 amended to read:

6 101.14 (1) (cm) Every inspection required under ~~pars. sub. (2)~~ (b) and (c) is
7 subject to the supervision and direction of the department, ~~which shall, after audit,~~
8 ~~certify to the commissioner of insurance after the expiration of each calendar year~~
9 ~~each city, village or town where the inspections for the year have been made, and~~
10 ~~where records have been made and kept on file as required under par. (e).~~

11 **SECTION 2458.** 101.14 (3) (title) of the statutes is created to read:

12 101.14 (3) (title) EDUCATION AND TRAINING.

13 **SECTION 2459.** 101.14 (3) of the statutes is renumbered 101.14 (3) (a).

14 **SECTION 2460.** 101.14 (4) (title) of the statutes is created to read:

15 101.14 (4) (title) FIRE DETECTION, PREVENTION, AND SUPPRESSION DEVICES IN
16 PLACES OF EMPLOYMENT AND PUBLIC BUILDINGS.

17 **SECTION 2461.** 101.14 (4m) (title) of the statutes is created to read:

18 101.14 (4m) (title) FIRE SUPPRESSION IN MULTIFAMILY DWELLINGS.

19 **SECTION 2462.** 101.14 (5) (title) of the statutes is created to read:

20 101.14 (5) (title) GROUNDWATER FEE.

21 **SECTION 2463.** 101.141 of the statutes is amended to read:

22 **101.141 Record keeping and reporting of fires.** ~~The department~~ Each fire
23 department shall maintain records a record of all fires occurring in this state. ~~Such~~
24 records shall be within the territory served by the fire department. The record shall
25 be open to public inspection during normal business hours under s. 19.35 and, for the

SENATE BILL 55**SECTION 2463**

1 purposes of a record maintained under this section, the fire department maintaining
2 the record shall be considered an authority under s. 19.32 (1). This section does not
3 limit the number of persons that qualify as an authority under s. 19.32 (1). The
4 department of commerce, by rule, may require a fire department to provide the
5 department of commerce with any information maintained under this section.

6 **SECTION 2464.** 101.143 (1) (ce) of the statutes is created to read:

7 101.143 (1) (ce) "High-cost site" means the site of a discharge of a petroleum
8 product from a petroleum storage tank at which more than \$200,000 in eligible costs
9 under this section have been incurred.

10 **SECTION 2465.** 101.143 (2e) (c) of the statutes is amended to read:

11 101.143 (2e) (c) The department of natural resources or, if the discharge is
12 covered under s. 101.144 (2) (b) or (c), the department of commerce shall apply the
13 method in the rules promulgated under par. (b) to determine the risk posed by a
14 discharge for which the department of commerce receives notification under sub. (3)
15 (a) 3.

16 **SECTION 2466.** 101.143 (3) (c) 4. of the statutes is amended to read:

17 101.143 (3) (c) 4. Receive written approval from the department of natural
18 resources or, if the discharge is covered under s. 101.144 (2) (b) or (c), from the
19 department of commerce that the remedial action activities performed under subd.
20 3. meet the requirements of s. 292.11.

21 **SECTION 2467.** 101.143 (3) (cm) of the statutes is amended to read:

22 101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person
23 owning a home oil tank system may, with the approval of the department of natural
24 resources or, if the discharge is covered under s. 101.144 (2) (b) or (c), the department
25 of commerce, satisfy the requirements of par. (c) 2. and 3. by proposing and

SENATE BILL 55**SECTION 2467**

1 implementing monitoring to ensure the effectiveness of natural attenuation of
2 petroleum product contamination.

3 **SECTION 2468.** 101.143 (3) (d) of the statutes is amended to read:

4 101.143 (3) (d) *Final review of remedial action activities.* The department of
5 natural resources or, if the discharge is covered under s. 101.144 (2) (b) or (c), the
6 department of commerce shall complete a final review of the remedial action
7 activities within 60 days after the claimant notifies the appropriate department that
8 the remedial action activities are completed.

9 **SECTION 2469.** 101.143 (4) (a) 6. of the statutes is amended to read:

10 101.143 (4) (a) 6. In any fiscal year, the department may not award more than
11 5% of the amount appropriated under s. 20.143 (3) (v) as awards for petroleum
12 product storage systems described in par. (ei) 1.

13 **SECTION 2470.** 101.143 (4) (b) (intro.) of the statutes is amended to read:

14 101.143 (4) (b) *Eligible costs.* (intro.) Except as provided in par. (c) or (cc),
15 eligible costs for an award under par. (a) include actual costs or, if the department
16 establishes a usual and customary cost under par. (cm) for an item, usual and
17 customary costs for the following items:

18 **SECTION 2471.** 101.143 (4) (cc) of the statutes is created to read:

19 101.143 (4) (cc) *Ineligibility for interest reimbursement.* 1. a. Except as
20 provided in subd. 2., if an applicant's final claim is submitted more than 60 days after
21 receiving written notification that no further remedial action is necessary with
22 respect to the discharge, interest costs incurred by the applicant after the 60th day
23 after receiving that notification are not eligible costs.

24 b. Except as provided in subd. 2. or 3., if the remedial action activities for an
25 applicant's site are not completed by the first day of the 121st month after the

SENATE BILL 55**SECTION 2471**

1 investigation under sub. (3) (c) 1. is completed, interest costs incurred by the
2 applicant after that day are not eligible costs.

3 c. Except as provided in subd. 2., if an applicant does not complete the
4 investigation of the petroleum product discharge by the first day of the 61st month
5 after the month in which the applicant notified the department under sub. (3) (a) 3.
6 or the first day of the 25th month beginning after the effective date of subd. 1. a.,
7 whichever is later, interest costs incurred by the applicant after the later of those
8 days are not eligible costs.

9 2. Subdivision 1. or 3. does not apply to any of the following:

10 a. An applicant that is a local unit of government, if federal or state financial
11 assistance other than under this section, has been provided for that expansion or
12 redevelopment.

13 b. An applicant that is engaged in the expansion or redevelopment of
14 brownfields, as defined in s. 560.13 (1) (a), if federal or state financial assistance
15 other than under this section, has been provided for that expansion or
16 redevelopment.

17 3. Except as provided in subd. 2., for a category one high-cost site, as defined
18 in sub. (12) (a) 1., if the first day of the 121st month after the investigation under sub.
19 (3) (c) 1. is completed is before December 1, 2006, subd. 1. b. does not apply, and
20 interest costs incurred by the applicant after December 1, 2006, are ineligible costs.

21 **SECTION 2472.** 101.143 (4) (d) 2. c. of the statutes is amended to read:

22 101.143 (4) (d) 2. c. For an owner or operator of a petroleum product storage
23 system described in par. (ei) ~~1.~~, \$100,000.

24 **SECTION 2473.** 101.143 (4) (dm) 2. c. of the statutes is amended to read:

SENATE BILL 55**SECTION 2473**

1 101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage
2 system that is described in par. (ei) ~~1.~~, \$2,500 plus 5% of eligible costs per occurrence.

3 **SECTION 2474.** 101.143 (4) (dm) 3. c. of the statutes is amended to read:

4 101.143 (4) (dm) 3. c. For an owner or operator of a petroleum product storage
5 system described in par. (ei) ~~1.~~, \$100,000.

6 **SECTION 2475.** 101.143 (4) (e) 2. of the statutes is amended to read:

7 101.143 (4) (e) 2. The department shall issue the award under this paragraph
8 without regard to fault in an amount equal to the amount of the eligible costs that
9 exceeds a deductible amount of \$10,000, except that the deductible amount for a
10 petroleum product storage system that is owned by a school district or a technical
11 college district and that is used for storing heating oil for consumptive use on the
12 premises where stored is 25% of eligible costs and except that the deductible for a
13 petroleum product storage system that is described in par. (ei) ~~1.~~ is \$2,500 plus 5%
14 of the eligible costs, but not more than \$7,500 per occurrence without regard to when
15 the eligible costs are incurred.

16 **SECTION 2476.** 101.143 (4) (e) 2m. of the statutes is amended to read:

17 101.143 (4) (e) 2m. An award issued under this paragraph may not exceed
18 \$190,000 for each occurrence, except that an award under this paragraph to the
19 owner or operator of a petroleum product storage system described in par. (ei) ~~1.~~ may
20 not exceed \$100,000 per occurrence.

21 **SECTION 2477.** 101.143 (4) (ei) 1. (intro.) of the statutes is renumbered 101.143
22 (4) (ei) (intro.).

23 **SECTION 2478.** 101.143 (4) (ei) 1. a. of the statutes is renumbered 101.143 (4)
24 (ei) 1m. a. and amended to read:

SENATE BILL 55**SECTION 2478**

1 101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel
2 of 35 or more acres of contiguous land, on which the farm tank is located, which is
3 devoted primarily to agricultural use, as defined in s. 91.01 (1), including land
4 designated by the department of natural resources as part of the ice age trail under
5 s. 23.17, which during the year preceding submission of a first claim under sub. (3)
6 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or
7 which, during the 3 years preceding that submission produced gross farm profits, as
8 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on
9 which the farm tank is located, of which at least 35 acres, during part or all of the
10 year preceding that submission, were enrolled in the conservation reserve program
11 under 16 USC 3831 to 3836.

12 **SECTION 2479.** 101.143 (4) (ei) 1. b. of the statutes is renumbered 101.143 (4)
13 (ei) 2m.

14 **SECTION 2480.** 101.143 (4) (ei) 1m. (intro.) of the statutes is created to read:

15 101.143 (4) (ei) 1m. (intro.) One of the following conditions is satisfied:

16 **SECTION 2481.** 101.143 (4) (ei) 1m. b. of the statutes is created to read:

17 101.143 (4) (ei) 1m. b. Within 12 months before the owner or operator of the
18 farm tank submits a first claim under sub. (3), the owner or operator of the farm tank
19 owned a parcel of 35 or more acres of contiguous land, on which the farm tank is
20 located, which was devoted primarily to agricultural use, as defined in s. 91.01 (1),
21 including land designated by the department of natural resources as part of the ice
22 age trail under s. 23.17, which during the year preceding the transfer of the parcel
23 to another person produced gross farm profits, as defined in s. 71.58 (4), of not less
24 than \$6,000 or which, during the 3 years preceding that transfer produced gross farm
25 profits, as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more

SENATE BILL 55**SECTION 2481**

1 acres, on which the farm tank is located, of which at least 35 acres, during part or
2 all of the year preceding the transfer of the parcel to another person, were enrolled
3 in the conservation reserve program under 16 USC 3831 to 3836.

4 **SECTION 2482.** 101.143 (4) (ei) 2. of the statutes is renumbered 101.143 (4) (a)
5 5m. and amended to read:

6 101.143 (4) (a) 5m. The department shall review claims related to discharges
7 from farm tanks described in ~~subd. 1, par. (ei)~~ as soon as the claims are received. The
8 department shall issue an award for an eligible discharge from a farm tank described
9 in ~~subd. 1, par. (ei)~~ as soon as it completes the review of the claim.

10 **SECTION 2483.** 101.143 (6) (b) of the statutes is amended to read:

11 101.143 (6) (b) The department, ~~after consultation with the petroleum storage~~
12 ~~environmental cleanup council,~~ shall determine whether proof of financial
13 responsibility submitted under par. (a) satisfies par. (a).

14 **SECTION 2484.** 101.143 (8) of the statutes is repealed.

15 **SECTION 2485.** 101.143 (9m) (g) 2. of the statutes is amended to read:

16 101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not
17 exceed ~~\$270,000,000~~ \$370,000,000 in principal amount. In addition to this limit on
18 principal amount, the building commission may contract revenue obligations under
19 this subsection as the building commission determines is desirable to fund or refund
20 outstanding revenue obligations, to pay issuance or administrative expenses, to
21 make deposits to reserve funds, or to pay accrued or capitalized interest.

22 **SECTION 2486.** 101.143 (12) of the statutes is created to read:

23 101.143 (12) HIGH-COST SITES. (a) In this subsection:

SENATE BILL 55**SECTION 2486**

1 1. "Category one high-cost site" means a site of a discharge that is a high-cost
2 site on November 30, 2001, for which written approval under sub. (3) (c) 4. has not
3 been issued on or before that date.

4 2. "Category 2 high-cost site" means a site of a discharge that becomes a
5 high-cost site after November 30, 2001, for which written approval under sub. (3) (c)
6 4. has not been issued, if either more than \$400,000 in eligible costs under this
7 section have been incurred for the site or remedial action activities for the site have
8 not been completed within 7 years after the investigation under sub. (3) (c) 1. is
9 completed.

10 (b) Except as provided in par. (d), the department of natural resources shall
11 oversee remedial action activities for category one high-cost sites, other than
12 category one high-cost sites over which the department of commerce has jurisdiction
13 under s. 101.144 (2), so that remedial action activities are completed for at least 15%
14 of those sites in each 12-month period and that remedial action activities are
15 completed for each of those sites no later than December 1, 2006, or the last day of
16 the 120th month after the site investigation is completed, whichever is later.

17 (c) Except as provided in par. (d), the department of commerce shall do all of
18 the following:

19 1. Oversee remedial action activities for category one high-cost sites over
20 which the department has jurisdiction under s. 101.144 (2) so that remedial action
21 activities are completed for at least 15% of those sites in each 12-month period and
22 that remedial action activities are completed for each of those sites no later than
23 December 1, 2006, or the last day of the 120th month after the site investigation is
24 completed, whichever is later.

SENATE BILL 55**SECTION 2486**

1 2. Oversee remedial action activities for each category 2 high-cost site so that
2 remedial action activities are completed within 36 months after the site first becomes
3 a category 2 high-cost site.

4 (d) Paragraphs (b) and (c) do not apply to any of the following:

5 1. A site for which the person conducting the remedial action activities is a local
6 unit of government, if federal or state financial assistance, other than under this
7 section, has been provided for that expansion or redevelopment.

8 2. A site for which the person conducting the remedial action activities is
9 engaged in the expansion or redevelopment of brownfields, as defined in s. 560.13 (1)
10 (a), if federal or state financial assistance, other than under this section, has been
11 provided for that expansion or redevelopment.

12 **SECTION 2487.** 101.144 (2) (a) of the statutes is amended to read:

13 101.144 (2) (a) The department shall administer a program under which
14 responsible persons investigate, and take remedial action in response to, those
15 discharges of petroleum products from petroleum storage tanks that are covered
16 under par. (b) or (c). The department may issue an order requiring a responsible
17 person to take remedial action in response to a discharge of a petroleum product from
18 a petroleum storage tank if the discharge is covered under par. (b) or (c). In
19 administering this section, the department shall follow rules promulgated by the
20 department of natural resources for the cleanup of discharges of hazardous
21 substances.

22 **SECTION 2488.** 101.144 (2) (c) of the statutes is created to read:

23 101.144 (2) (c) The program under this section covers a discharge of a
24 petroleum product from a petroleum storage tank if the site of the discharge is a
25 category 2 high-cost site, as defined in s. 101.143 (12) (a) 2.

SENATE BILL 55**SECTION 2489**

1 **SECTION 2489.** 101.144 (3) (intro.) of the statutes is amended to read:

2 101.144 (3) (intro.) The department of natural resources may take action under
3 s. 292.11 (7) (a) or may issue an order under s. 292.11 (7) (c) in response to a discharge
4 that is covered under sub. (2) (b) or (c) only if one or more of the following apply:

5 **SECTION 2490.** 101.19 (1) (b) of the statutes is amended to read:

6 101.19 (1) (b) The required inspection of boilers, pressure vessels, refrigeration
7 plants, ~~petroleum~~ and liquefied petroleum gas vessels, anhydrous ammonia tanks
8 and containers, elevators, ski towing and lift devices, escalators, dumbwaiters, and
9 amusement or thrill rides but not of amusement attractions.

10 **SECTION 2491.** 101.573 (title) of the statutes is repealed and recreated to read:

11 **101.573 (title) Distribution of fire department dues.**

12 **SECTION 2492.** 101.573 (1) of the statutes is repealed.

13 **SECTION 2493.** 101.573 (3) of the statutes is amended to read:

14 101.573 (3) DETERMINATION AND DISTRIBUTION OF FIRE DEPARTMENT DUES. (a) ~~On~~
15 ~~or before~~ No later than May 1 ~~in 15~~ of each year, the department shall compile the
16 total of all fire department dues paid by all insurers under s. 601.93 ~~and the dues paid~~
17 ~~by the state fire fund under sub. (1) and funds~~ together with any balance remaining
18 under par. (b), and the amount charged to the property insurance fund under s.
19 604.04 (3) (b). The department shall withhold .5% and certify to the state treasurer
20 the proper from this total for use under par. (b) and shall determine the amount to
21 be paid from the ~~appropriation under s. 20.143 (3) (L)~~ balance to each city, village,
22 or town entitled to fire department dues under s. 101.575. ~~Annually, on or before~~ No
23 later than August 1 of each year, the ~~state treasurer~~ department shall pay the
24 amounts certified by the department to the cities, villages and towns eligible under

SENATE BILL 55**SECTION 2493**

1 ~~s. 101.575~~ proper amount under s. 101.575 to each city, village, and town that is
2 entitled to fire department dues.

3 (b) The amount withheld under par. (a) shall be disbursed to correct ~~errors~~ any
4 error of the department or of the commissioner of insurance or ~~for payments to cities,~~
5 ~~villages or towns which are~~ to make a payment to any city, village, or town that is first
6 ~~determined to be eligible for payments under par. (a)~~ entitled to fire department dues
7 under s. 101.575 after May 1 15. The department shall ~~certify to the state treasurer~~
8 ~~pay to each applicable city, village, or town,~~ as near as is practical, the amount ~~which~~
9 that would have been payable to the ~~municipality~~ city, village, or town if payment
10 had been properly disbursed under par. (a) on or ~~prior to~~ before May 1 15, except ~~that~~
11 the amount payable to any ~~municipality~~ city, village, or town that is first eligible
12 determined to be entitled to fire department dues after May 1 15 shall be reduced by
13 1.5% for each month or portion of a month ~~which~~ that expires after May 1 15 and ~~prior~~
14 ~~to~~ before the eligibility determination. ~~The state treasurer shall pay the amount~~
15 ~~certified to the city, village or town.~~ ~~The~~ department shall include any remaining
16 balance of the amount withheld in a calendar year under par. (a) ~~which~~ that is not
17 ~~disbursed under this paragraph shall be included in the total compiled by the~~
18 ~~department under par. (a) for the next calendar year. If errors in payments exceed~~
19 the amount of disbursements under this paragraph exceeds the available balance of
20 ~~the amount set aside for error payments,~~ withheld under par. (a), the department
21 shall make reasonable adjustments shall be made in the distribution applicable
22 distributions for the next year.

23 **SECTION 2494.** 101.573 (4) (title) of the statutes is created to read:

24 101.573 (4) (title) REPORTING REQUIREMENTS; DEPARTMENT AND COMMISSIONER OF
25 INSURANCE.

SENATE BILL 55**SECTION 2495**

1 **SECTION 2495.** 101.573 (4) of the statutes is renumbered 101.573 (4) (a) and
2 amended to read:

3 101.573 (4) (a) The department shall transmit to the treasurer clerk of each
4 city, village, and town that is entitled to fire department dues, under s. 101.575 a
5 statement of the amount of dues payable to it the city, village, or town under this
6 section ~~and the~~.

7 (b) The commissioner of insurance shall furnish to the state treasurer transmit
8 to the department, upon request, a list of the containing the names of all insurers
9 paying fire department dues under s. 601.93 and the amount paid by each listed
10 insurer.

11 **SECTION 2496.** 101.575 (title) of the statutes is amended to read:

12 **101.575 (title) Entitlement to and use of fire department dues.**

13 **SECTION 2497.** 101.575 (1) (a) of the statutes is renumbered 101.575 (1) and
14 amended to read:

15 101.575 (1) ENTITLEMENT GENERALLY. ~~Except as provided in par. (am), every~~
16 Every city, village, or town ~~maintaining a fire department that complies with this~~
17 ~~subsection and the requirements of subs. (3) to (6) that is eligible to receive fire~~
18 department dues under sub. (4) is entitled to a proportionate share of all fire
19 department dues collected under ss. ~~101.573 and 601.93~~ and 604.04 (3) (b), after
20 deducting the administrative expenses of the department under s. 101.573, based on
21 the equalized valuation of real property improvements upon land within the city,
22 village, or town, but not less than the amount the municipality received under s.
23 601.93 (3), 1977 stats., and chapter 26, laws of 1979, in calendar year 1979.

24 **SECTION 2498.** 101.575 (1) (am) of the statutes is renumbered 101.575 (7) and
25 amended to read:

SENATE BILL 55**SECTION 2498**

1 101.575 (7) NONCOMPLIANCE PROCEDURE. ~~If Except as otherwise provided in this~~
2 ~~subsection, if~~ the department determines that a city, village, or town fire department
3 ~~has failed to satisfy the requirements of this subsection or subs. (3) to (6) is not~~
4 ~~eligible to receive fire department dues under sub. (4), the department shall~~
5 ~~nonetheless pay fire department dues for that calendar year to that to the city,~~
6 ~~village, or town. The department and shall issue a notice of noncompliance to the~~
7 ~~chief of the fire department, the applicable governing body and, to the highest elected~~
8 ~~official of the city, village or town. If the fire department cannot demonstrate mayor,~~
9 ~~village president, or town chairperson, as applicable, and to each fire department~~
10 ~~providing fire protection or fire prevention services to the city, village, or town. After~~
11 ~~the department issues a notice of noncompliance to a city, village, or town, the city,~~
12 ~~village, or town is not entitled to fire department dues until the city, village, or town~~
13 ~~demonstrates to the department that the fire department has met all requirements~~
14 ~~within one year after receipt of the notice or prior to the next audit by the~~
15 ~~department, whichever is later, the city, village or town shall not be entitled to dues~~
16 ~~under par. (a) for that year in which the city, village or town becomes not entitled to~~
17 ~~dues and for all subsequent calendar years until the requirements are met city,~~
18 ~~village, or town is eligible to receive fire department dues under sub. (4).~~

19 **SECTION 2499.** 101.575 (1) (b) of the statutes is renumbered 101.575 (4) (a) 3.
20 and amended to read:

21 101.575 (4) (a) 3. ~~Every~~ The department determines that, if the city, village, or
22 town that contracts for to receive fire protection and fire prevention services that
23 comply with s. 101.14 (2) from another city, village or town is entitled to the dues
24 specified in par. (a) if the department determines that the, each contract other than
25 a mutual aid agreement is sufficient to allow each fire department furnishing the

SENATE BILL 55**SECTION 2499**

1 ~~protection can provide the agreed~~ that provides fire protection and fire prevention
2 services to do so without endangering property within its own limits ~~and the fire~~
3 ~~prevention services comply with s. 101.14 (2)~~ the fire department's own territory.

4 **SECTION 2500.** 101.575 (1) (c) of the statutes is repealed.

5 **SECTION 2501.** 101.575 (2) of the statutes is renumbered 101.577.

6 **SECTION 2502.** 101.575 (3) (intro.) of the statutes is repealed.

7 **SECTION 2503.** 101.575 (3) (a) (intro.) of the statutes is repealed.

8 **SECTION 2504.** 101.575 (3) (a) 1. of the statutes is renumbered 101.575 (4) (a)

9 5. and amended to read:

10 101.575 (4) (a) 5. ~~Is~~ The city, village, or town receives services from a fire
11 department that is organized to provide continuous fire protection in that city,
12 village, or town and has a designated chief.

13 **SECTION 2505.** 101.575 (3) (a) 2. of the statutes is renumbered 101.575 (4) (a)

14 6. and amended to read:

15 101.575 (4) (a) 6. ~~Singly~~ The city, village, or town receives services from a fire
16 department that singly, or in combination with another fire department under a
17 contract or mutual aid agreement, can ensure the response of at least 4 fire fighters,
18 none of whom is the chief, to a first alarm for a building.

19 **SECTION 2506.** 101.575 (3) (a) 3. of the statutes is renumbered 101.575 (4) (a)

20 7. and amended to read:

21 101.575 (4) (a) 7. ~~Provides~~ The city, village, or town receives services from a fire
22 department that provides a training program, as prescribed by rule of the
23 department by rule, to fire fighters and inspectors who provide fire suppression
24 services, fire prevention inspections, or public education with regard to fire safety.

SENATE BILL 55**SECTION 2507**

1 **SECTION 2507.** 101.575 (3) (a) 4. of the statutes is renumbered 101.575 (4) (a)
2 8. and amended to read:

3 101.575 (4) (a) 8. ~~Provides~~ The city, village, or town receives services from a fire
4 department that provides facilities capable, without delay, of receiving an alarm and
5 dispatching fire fighters and apparatus.

6 **SECTION 2508.** 101.575 (3) (b) of the statutes is renumbered 101.575 (4) (a) 9.
7 and amended to read:

8 101.575 (4) (a) 9. ~~Each~~ The city, village, or town eligible for dues under this
9 ~~section shall maintain either a voluntary~~ maintains or contracts with a volunteer fire
10 department that has sufficient personnel ready for service at all times and that holds
11 a meeting at least once each month, or with a paid or partly paid fire department with
12 sufficient personnel ready for service at all times.

13 **SECTION 2509.** 101.575 (4) (title) of the statutes is created to read:

14 101.575 (4) (title) ELIGIBILITY; WITHHELD PAYMENTS.

15 **SECTION 2510.** 101.575 (4) (a) of the statutes is amended to read:

16 101.575 (4) (a) ~~The department may not pay any fire department dues for any~~
17 ~~year to~~ Except as provided in sub. (7), a city, village, or town or fire department unless
18 is eligible to receive fire department dues only if all of the following conditions are
19 satisfied:

20 1. The department determines that the city, village, or town or fire department
21 has complied with ~~sub. (6)~~ this section and s. 101.14 (2), except that, for the purposes
22 of making this determination, only 95% of the inspections required under s. 101.14
23 (2) need be provided for in the city, village, or town.

24 2. The city, village, or town ~~has submitted a~~ submits an audit form which is,
25 provided by the department and signed by the clerk of the city, village, or town and

SENATE BILL 55**SECTION 2510**

1 by the chief of the each fire department providing fire protection and fire prevention
2 services to that the city, village, or town, which is provided by the department by rule
3 ~~and which certifies~~ certifying that the fire department has complied with city, village,
4 or town satisfies the requirements of this section ~~or the department has audited the~~
5 ~~city, village, town or fire department and determined that it complies with sub. (6)~~
6 ~~and s. 101.14 (2), except that, for the purposes of this subdivision, the audit form shall~~
7 ~~certify that at least 95% of the inspections required under s. 101.14 (2) were provided~~
8 ~~for in the city, village, or town.~~

9 **SECTION 2511.** 101.575 (4) (am) of the statutes is created to read:

10 101.575 (4) (am) If a city, village, or town receives fire protection and fire
11 prevention services under a contract other than or in addition to a mutual aid
12 agreement, both municipalities may receive fire department dues if otherwise
13 eligible.

14 **SECTION 2512.** 101.575 (5) of the statutes is renumbered 101.575 (4) (a) 4. and
15 amended to read:

16 101.575 (4) (a) 4. ~~No~~ The department determines that, if the city, village, or
17 ~~town which has contracted with another city, village or town or any part thereof for~~
18 ~~contracts to receive~~ fire protection may be paid any fire department dues unless the
19 ~~contract or~~ and fire prevention services, all contracts, exclusive of any mutual aid
20 agreements, together are sufficient to provide fire protection to the entire city,
21 village, or town for which the fire protection service is and fire prevention services
22 are being provided.

23 **SECTION 2513.** 101.575 (6) (title) of the statutes is created to read:

24 101.575 (6) (title) USE OF FIRE DEPARTMENT DUES.

25 **SECTION 2514.** 101.575 (6) (a) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 2514**

1 101.575 (6) (a) (intro.) No city, village, or town maintaining a fire department
2 under this section may use any fire department dues received under s. 101.573 and
3 ~~this section~~ for any purpose except the direct provision of the following:

4 **SECTION 2515.** 101.575 (6) (b) of the statutes is amended to read:

5 101.575 (6) (b) Any city, village, or town that ~~contracts for~~ receives fire
6 protection service and fire prevention services under a contract other than or in
7 addition to a mutual aid agreement shall give all fire department dues received
8 under s. 101.573 and this section to the fire department providing the fire protection
9 service and fire prevention services under the contract. That fire department shall
10 use those fire department dues for any of the purposes specified in par. (a) 1. to 4.

11 **SECTION 2516.** 101.577 (title) of the statutes is created to read:

12 **101.577 (title) Liability of city or village for fire department services**
13 **outside of boundaries.**

14 **SECTION 2517.** 101.63 (3) of the statutes is repealed.

15 **SECTION 2518.** 101.64 (9) of the statutes is created to read:

16 101.64 (9) Contract with any person to provide inspection services, or may
17 provide inspection services directly, in any city, village, town, or county that requires
18 the services pursuant to s. 101.65 (2) or in which the department is required or
19 authorized to provide the services under s. 101.651 (3) or (3m) (a).

20 **SECTION 2519.** 101.73 (3) of the statutes is amended to read:

21 101.73 (3) Provide for examination of plans and specifications and in-plant
22 inspections when contracted for by the manufacturer under s. 101.75 (1) ~~and shall~~
23 ~~contract to provide on-site inspection services for the installation of manufactured~~
24 ~~buildings for dwellings, at municipal expense, for any municipality which requires~~
25 ~~such service under s. 101.76 or 101.761.~~

SENATE BILL 55**SECTION 2520**

1 **SECTION 2520.** 101.74 (8) of the statutes is created to read:

2 101.74 (8) Contract with any person to provide inspection services, or may
3 provide inspection services directly, in any city, village, town, or county which
4 requires the services pursuant to s. 101.76 (2) or in which the department is required
5 or authorized to provide the services under s. 101.761 (3).

6 **SECTION 2521.** 101.76 (1) (a) of the statutes is amended to read:

7 101.76 (1) (a) ~~With the approval of the department, exercise~~ Exercise
8 jurisdiction over the installation of manufactured buildings for dwellings by passage
9 of ordinances, provided such ordinances are in strict conformance with this
10 subchapter and the on-site inspection is performed by persons certified by the
11 department. Except as provided by s. 101.761, a county ordinance shall apply in any
12 city, village or town which has not enacted such ordinance.

13 **SECTION 2522.** 101.761 (title) of the statutes is amended to read:

14 **101.761** (title) **Certain municipalities ~~excepted~~ exempted.**

15 **SECTION 2523.** 101.761 (1) (title) of the statutes is created to read:

16 101.761 (1) (title) DEFINITION.

17 **SECTION 2524.** 101.761 (2) of the statutes is repealed.

18 **SECTION 2525.** 101.761 (2m) of the statutes is created to read:

19 101.761 (2m) EXEMPTION BY RESOLUTION. A municipality shall exercise
20 jurisdiction over the installation of manufactured buildings for dwellings by
21 enacting ordinances under s. 101.76 (1) (a) or shall exercise the jurisdiction granted
22 under s. 101.76 (1) (a) jointly under s. 101.76 (1) (b), unless any of the following
23 conditions are met:

24 (a) The municipality adopts a resolution requesting under sub. (3) (a) that a
25 county enforce this subchapter or an ordinance enacted under s. 101.76 (1) (a)

SENATE BILL 55**SECTION 2525**

1 throughout the municipality and that a county provide inspection services in the
2 municipality to administer and enforce this subchapter or an ordinance enacted
3 under s. 101.76 (1) (a).

4 (b) The municipality adopts a resolution determining not to exercise
5 jurisdiction over the installation of manufactured buildings for dwellings under s.
6 101.76 (1) (a), not to exercise jurisdiction jointly under s. 101.76 (1) (b), not to request
7 under sub. (3) (a) that a county enforce this subchapter or an ordinance enacted
8 under s. 101.76 (1) (a) throughout the municipality and not to request under sub. (3)
9 (a) that a county provide inspection services in the municipality to administer and
10 enforce this subchapter or an ordinance enacted under s. 101.76 (1) (a).

11 (c) Under sub. (3) (b), the department enforces this subchapter or an ordinance
12 enacted under s. 101.76 (1) (a) throughout the municipality and provides inspection
13 services in the municipality to administer and enforce this subchapter or an
14 ordinance enacted under s. 101.76 (1) (a).

15 **SECTION 2526.** 101.761 (3) (title) of the statutes is created to read:

16 101.761 (3) (title) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES;
17 GENERALLY.

18 **SECTION 2527.** 101.761 (3) of the statutes is renumbered 101.761 (3) (a) and
19 amended to read:

20 101.761 (3) (a) The Except as provided in par. (b), the department or a county
21 may not enforce this subchapter or an ordinance adopted under s. 101.76 (1) (a) or
22 provide inspection services in a municipality unless requested to do so by a person
23 with respect to a particular manufactured building or by the municipality. A request
24 by a person or a municipality with respect to a particular manufactured building
25 does not give the department or a county authority with respect to any other

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SECTION 2527

1 manufactured building. Costs shall be collected under s. 101.76 (1) (c) or ss. 101.73
2 (12) and 101.76 (2) from the person or municipality making the request.

3 **SECTION 2528.** 101.761 (3) (b) of the statutes is created to read:

4 101.761 (3) (b) The department shall provide inspection services and shall
5 enforce this subchapter or an ordinance enacted under s. 101.76 (1) (a) throughout
6 any municipality that does not exercise jurisdiction under sub. (2m) and that has not
7 adopted a resolution under sub. (2m) (a) or (b).

8 **SECTION 2529.** 101.761 (4) (title) of the statutes is created to read:

9 101.761 (4) (title) DATA RELATING TO HOUSING STARTS IN MUNICIPALITIES.

10 **SECTION 2530.** 101.761 (5) (title) of the statutes is created to read:

11 101.761 (5) (title) EFFECT OF SECTION ON CERTAIN LAWS.

12 **SECTION 2531.** 101.761 (6) (title) of the statutes is created to read:

13 101.761 (6) (title) ENERGY CONSERVATION RULES; CONTINUING EFFECT.

14 **SECTION 2532.** Subchapter V (title) of chapter 101 [precedes 101.91] of the
15 statutes is amended to read:

16 **CHAPTER 101**

17 **SUBCHAPTER V**

18 **MANUFACTURED HOMES AND MOBILE HOMES;**

19 ~~**REGULATION OF MANUFACTURERS**~~

20 **SECTION 2533.** 101.91 (2b) of the statutes is renumbered 101.91 (3).

21 **SECTION 2534.** 101.91 (2d) of the statutes is renumbered 101.91 (4).

22 **SECTION 2535.** 101.91 (2f) of the statutes is renumbered 101.91 (5m).

23 **SECTION 2536.** 101.91 (2h) of the statutes is renumbered 101.91 (9).

24 **SECTION 2537.** 101.91 (2k) of the statutes is renumbered 101.91 (10).

25 **SECTION 2538.** 101.91 (5) of the statutes is renumbered 101.91 (11).

SENATE BILL 55**SECTION 2539**

1 **SECTION 2539.** 101.91 (6) of the statutes is renumbered 101.91 (12).

2 **SECTION 2540.** 101.93 (title) of the statutes is repealed and recreated to read:

3 **101.93 (title) Plumbing in manufactured homes.**

4 **SECTION 2541.** 101.937 (title) of the statutes is created to read:

5 **101.937 (title) Water and sewer service to manufactured home parks.**

6 **SECTION 2542.** 101.937 (6) (title) of the statutes is created to read:

7 101.937 (6) (title) PAYMENT OF DEPARTMENT'S EXPENDITURES.

8 **SECTION 2543.** 101.937 (6) (b) to (g) of the statutes are created to read:

9 101.937 (6) (b) If any manufactured home park operator is billed under par. (a)
10 and fails to pay the bill within 30 days or fails to file objections to the bill with the
11 department, as provided in this paragraph, the department shall transmit to the
12 state treasurer a certified copy of the bill, together with notice of failure to pay the
13 bill, and on the same day the department shall mail by registered mail to the
14 manufactured home park operator a copy of the notice that the department has
15 transmitted to the state treasurer. Within 10 days after receipt of the notice and
16 certified copy of the bill, the state treasurer shall levy the amount stated on the bill
17 to be due, with interest, by distress and sale of any property, including stocks,
18 securities, bank accounts, evidences of debt, and accounts receivable belonging to the
19 delinquent manufactured home park operator. The levy by distress and sale shall
20 be governed by s. 74.10, 1985 stats., except that it shall be made by the state
21 treasurer and that goods and chattels anywhere within the state may be levied upon.

22 (c) 1. Within 30 days after the date of the mailing of any bill under par. (a), the
23 manufactured home park operator that has been billed may file with the department
24 objections setting out in detail the grounds upon which the objector regards the bill
25 to be excessive, erroneous, unlawful, or invalid. The department, after notice to the

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1 objector, shall hold a hearing upon the objections, from 5 to 10 days after providing
2 the notice. If after the hearing the department finds any part of the bill to be
3 excessive, erroneous, unlawful, or invalid, the department shall record its findings
4 upon its minutes and transmit to the objector by registered mail an amended bill, in
5 accordance with the findings. The amended bill shall have the same force and effect
6 as an original bill rendered under par. (a).

7 2. If after a hearing under subd. 1. the department finds the entire bill unlawful
8 or invalid, the department shall notify the objector by registered mail of the
9 determination, in which case the original bill shall be deemed null and void.

10 3. If after a hearing under subd. 1. the department finds that the bill as
11 rendered is not excessive, erroneous, unlawful, or invalid, either in whole or in part,
12 the department shall record the findings upon its minutes, and transmit to the
13 objector by registered mail notice of the findings.

14 4. If any bill against which objections have been filed is not paid within 10 days
15 after notice of a finding that the objections have been overruled and disallowed by
16 the department has been mailed to the objector as provided in this paragraph, the
17 department shall give notice of the delinquency to the state treasurer and to the
18 objector, in the manner provided in par. (b). The state treasurer shall then proceed
19 to collect the amount of the delinquent bill as provided in par. (b). If an amended bill
20 is not paid within 10 days after a copy of the amended bill is mailed to the objector
21 by registered mail, the department shall notify the state treasurer and the objector
22 as in the case of delinquency in the payment of an original bill. The state treasurer
23 shall then proceed to collect the amount of the amended bill as provided in the case
24 of an original bill.

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1 (d) No suit or proceeding may be maintained in any court to restrain or delay
2 the collection or payment of any bill rendered under par. (a). Every manufactured
3 home park operator that is billed shall pay the amount of the bill and after payment
4 may in the manner provided under this subsection, at any time within 2 years from
5 the date the payment was made, sue the state to recover the amount paid plus
6 interest from the date of payment, upon the ground that the assessment was
7 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
8 any part of the bill for which payment was made was excessive, erroneous, unlawful,
9 or invalid, the state treasurer shall make a refund to the claimant as directed by the
10 court. The refund shall be charged to the appropriations to the department.

11 (e) No action for recovery of any amount paid pursuant to this subsection shall
12 be maintained in any court unless objections have been filed with the department as
13 provided under this subsection. In any action for recovery of any payments made
14 under this subsection the claimant shall be entitled to raise every relevant issue of
15 law, but the department's findings of fact made pursuant to this subsection shall be
16 prima facie evidence of the facts therein stated.

17 (f) Each of the following shall be deemed to be findings of fact of the department,
18 within the meaning of this subsection:

19 1. Determinations of fact expressed in bills rendered pursuant to this
20 subsection.

21 2. Determinations of fact set out in those minutes of the department that record
22 the action of the department in passing upon the bills and in passing upon objections
23 thereto.

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1 (g) The procedure under this subsection providing for determining the
2 lawfulness of bills and the recovery back of payments made pursuant to the bills shall
3 be exclusive of all other remedies and procedures.

4 **SECTION 2544.** 102.07 (9) of the statutes is amended to read:

5 102.07 (9) Members of the national guard, the naval militia, and state defense
6 force, when on state active duty under direction of appropriate authority, but only in
7 case federal laws, rules or regulations provide no benefits substantially equivalent
8 to those provided in this chapter.

9 **SECTION 2545.** 102.475 (1) of the statutes is amended to read:

10 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement
11 officer, correctional officer, fire fighter, rescue squad member, diving team member,
12 national guard member, naval militia member, or state defense force member on
13 state active duty as described in s. 102.07 (9) or if a deceased person is an employee
14 or volunteer performing emergency management activities under ch. 166 during a
15 state of emergency or a circumstance described in s. 166.04, who sustained an
16 accidental injury while performing services growing out of and incidental to that
17 employment or volunteer activity so that benefits are payable under s. 102.46 or
18 102.47 (1), the department shall voucher and pay from the appropriation under s.
19 20.445 (1) (aa) a sum equal to 75% of the primary death benefit as of the date of death,
20 but not less than \$50,000 to the persons wholly dependent upon the deceased. For
21 purposes of this subsection, dependency shall be determined under ss. 102.49 and
22 102.51.

23 **SECTION 2546.** 102.85 (5) (a) of the statutes is amended to read:

24 102.85 (5) (a) The payment of any judgment under this section may be
25 suspended or deferred for not more than 90 days in the discretion of the court. The

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1 court shall suspend a judgment under this section upon the motion of the
2 department, if the department is satisfied that the employer's violation of s. 102.16
3 (3) or 102.28 (2) was beyond the employer's control and that the employer no longer
4 violates s. 102.16 (3) or 102.28 (2). In cases where a deposit has been made, any
5 forfeitures, penalty assessments, law enforcement training fund assessments, jail
6 assessments, uninsured employer assessments, and costs shall be taken out of the
7 deposit and the balance, if any, returned to the employer.

8 **SECTION 2547.** 102.87 (2) (e) of the statutes is amended to read:

9 102.87 (2) (e) The maximum forfeiture, penalty assessment, law enforcement
10 training fund assessment, jail assessment, crime laboratories and drug law
11 enforcement assessment, and any applicable uninsured employer assessment for
12 which the defendant is liable.

13 **SECTION 2548.** 102.87 (2) (g) of the statutes is amended to read:

14 102.87 (2) (g) Notice that if the defendant makes a deposit and fails to appear
15 in court at the time specified in the citation, the failure to appear will be considered
16 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
17 enforcement training fund assessment, jail assessment, crime laboratories and drug
18 law enforcement assessment, and any applicable uninsured employer assessment
19 plus costs not to exceed the amount of the deposit. The notice shall also state that
20 the court, instead of accepting the deposit and plea, may decide to summon the
21 defendant or may issue an arrest warrant for the defendant upon failure to respond
22 to a summons.

23 **SECTION 2549.** 102.87 (2) (h) of the statutes is amended to read:

24 102.87 (2) (h) Notice that if the defendant makes a deposit and signs the
25 stipulation, the stipulation will be treated as a plea of no contest and submission to

SENATE BILL 55**SECTION 2549**

1 a forfeiture, penalty assessment, law enforcement training fund assessment, jail
2 assessment, crime laboratories and drug law enforcement assessment, and any
3 applicable uninsured employer assessment plus costs not to exceed the amount of the
4 deposit. The notice shall also state that the court, instead of accepting the deposit
5 and stipulation, may decide to summon the defendant or issue an arrest warrant for
6 the defendant upon failure to respond to a summons, and that the defendant may,
7 at any time before or at the time of the court appearance date, move the court for
8 relief from the effect of the stipulation.

9 **SECTION 2550.** 102.87 (3) of the statutes is amended to read:

10 102.87 (3) A defendant issued a citation under this section may deposit the
11 amount of money that the issuing department deputy or officer directs by mailing or
12 delivering the deposit and a copy of the citation before the court appearance date to
13 the clerk of the circuit court in the county where the violation occurred, to the
14 department, or to the sheriff's office or police headquarters of the officer who issued
15 the citation. The basic amount of the deposit shall be determined under a deposit
16 schedule established by the judicial conference. The judicial conference shall
17 annually review and revise the schedule. In addition to the basic amount determined
18 by the schedule the deposit shall include the penalty assessment, law enforcement
19 training fund assessment, jail assessment, crime laboratories and drug law
20 enforcement assessment, any applicable uninsured employer assessment, and costs.

21 **SECTION 2551.** 102.87 (4) of the statutes is amended to read:

22 102.87 (4) A defendant may make a stipulation of no contest by submitting a
23 deposit and a stipulation in the manner provided by sub. (3) before the court
24 appearance date. The signed stipulation is a plea of no contest and submission to a
25 forfeiture plus the penalty assessment, law enforcement training fund assessment,

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1 jail assessment, crime laboratories and drug law enforcement assessment, any
2 applicable uninsured employers assessment, and costs not to exceed the amount of
3 the deposit.

4 **SECTION 2552.** 102.87 (5) of the statutes is amended to read:

5 102.87 (5) Except as provided by sub. (6), a person receiving a deposit shall
6 prepare a receipt in triplicate showing the purpose for which the deposit is made,
7 stating that the defendant may inquire at the office of the clerk of the circuit court
8 regarding the disposition of the deposit, and notifying the defendant that if he or she
9 fails to appear in court at the time specified in the citation he or she shall be
10 considered to have tendered a plea of no contest and submitted to a forfeiture,
11 penalty assessment, law enforcement training fund assessment, jail assessment,
12 crime laboratories and drug law enforcement assessment, and any applicable
13 uninsured employer assessment plus costs not to exceed the amount of the deposit
14 and that the court may accept the plea. The original of the receipt shall be delivered
15 to the defendant in person or by mail. If the defendant pays by check, the canceled
16 check is the receipt.

17 **SECTION 2553.** 102.87 (6) of the statutes is amended to read:

18 102.87 (6) The person receiving a deposit and stipulation of no contest shall
19 prepare a receipt in triplicate showing the purpose for which the deposit is made,
20 stating that the defendant may inquire at the office of the clerk of the circuit court
21 regarding the disposition of the deposit, and notifying the defendant that if the
22 stipulation of no contest is accepted by the court the defendant will be considered to
23 have submitted to a forfeiture, penalty assessment, law enforcement training fund
24 assessment, jail assessment, crime laboratories and drug law enforcement
25 assessment, and applicable uninsured employer assessment plus costs not to exceed

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1 the amount of the deposit. Delivery of the receipt shall be made in the same manner
2 as provided in sub. (5).

3 **SECTION 2554.** 102.87 (7) (b) of the statutes is amended to read:

4 102.87 (7) (b) If the defendant has made a deposit, the citation may serve as
5 the initial pleading and the defendant shall be considered to have tendered a plea
6 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
7 training fund assessment, jail assessment, crime laboratories and drug law
8 enforcement assessment, and any applicable uninsured employer assessment plus
9 costs not to exceed the amount of the deposit. The court may either accept the plea
10 of no contest and enter judgment accordingly, or reject the plea and issue a summons.
11 If the defendant fails to appear in response to the summons, the court shall issue an
12 arrest warrant. If the court accepts the plea of no contest, the defendant may, within
13 90 days after the date set for appearance, move to withdraw the plea of no contest,
14 open the judgment, and enter a plea of not guilty if the defendant shows to the
15 satisfaction of the court that failure to appear was due to mistake, inadvertence,
16 surprise, or excusable neglect. If a defendant is relieved from the plea of no contest,
17 the court may order a written complaint or petition to be filed. If on reopening the
18 defendant is found not guilty, the court shall delete the record of conviction and shall
19 order the defendant's deposit returned.

20 **SECTION 2555.** 102.87 (7) (c) of the statutes is amended to read:

21 102.87 (7) (c) If the defendant has made a deposit and stipulation of no contest,
22 the citation serves as the initial pleading and the defendant shall be considered to
23 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment,
24 law enforcement training fund assessment, jail assessment, crime laboratories and
25 drug law enforcement assessment, and any applicable uninsured employer

SENATE BILL 55**SECTION 2555**

1 assessment plus costs not to exceed the amount of the deposit. The court may either
2 accept the plea of no contest and enter judgment accordingly, or reject the plea and
3 issue a summons or an arrest warrant. After signing a stipulation of no contest, the
4 defendant may, at any time before or at the time of the court appearance date, move
5 the court for relief from the effect of the stipulation. The court may act on the motion,
6 with or without notice, for cause shown by affidavit and upon just terms, and relieve
7 the defendant from the stipulation and the effects of the stipulation.

8 **SECTION 2556.** 102.87 (9) of the statutes is amended to read:

9 102.87 (9) A department deputy or an officer who collects a forfeiture, penalty
10 assessment, law enforcement training fund assessment, jail assessment, crime
11 laboratories and drug law enforcement assessment, applicable uninsured employer
12 assessment, and costs under this section shall pay the money to the county treasurer
13 within 20 days after its receipt. If the department deputy or officer fails to make
14 timely payment, the county treasurer may collect the payment from the department
15 deputy or officer by an action in the treasurer's name of office and upon the official
16 bond of the department deputy or officer, with interest at the rate of 12% per year
17 from the time when it should have been paid.

18 **SECTION 2557.** 103.49 (1) (f) of the statutes is amended to read:

19 103.49 (1) (f) "State agency" means any office, department, independent
20 agency, institution of higher education, association, society or other body in state
21 government created or authorized to be created by the constitution or any law,
22 including the legislature and the courts. "State agency" also includes the University
23 of Wisconsin Hospitals and Clinics Authority and the Fox River Navigational System
24 Authority.

25 **SECTION 2558.** 103.49 (2) of the statutes is amended to read:

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1 103.49 (2) PREVAILING WAGE RATES AND HOURS OF LABOR. Any contract hereafter
2 made for the erection, construction, remodeling, repairing, or demolition of any
3 project of public works, except contracts for the construction or maintenance of public
4 highways, streets, and bridges, to which the state, or any state agency ~~or the~~
5 ~~University of Wisconsin Hospitals and Clinics Authority~~ is a party shall contain a
6 stipulation that no person performing the work described in sub. (2m) may be
7 permitted to work a greater number of hours per day or per week than the prevailing
8 hours of labor, except that any such person may be permitted or required to work
9 more than such prevailing hours of labor per day and per week if he or she is paid
10 for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5
11 times his or her hourly basic rate of pay; nor may he or she be paid less than the
12 prevailing wage rate determined under sub. (3) in the same or most similar trade or
13 occupation in the area wherein such project of public works is situated. A reference
14 to the prevailing wage rates determined under sub. (3) and the prevailing hours of
15 labor shall be published in the notice issued for the purpose of securing bids for the
16 project. If any contract or subcontract for a project that is subject to this section is
17 entered into, the prevailing wage rates determined under sub. (3) and the prevailing
18 hours of labor shall be physically incorporated into and made a part of the contract
19 or subcontract, except that for a minor subcontract, as determined by the
20 department, the department shall prescribe by rule the method of notifying the
21 minor subcontractor of the prevailing wage rates and prevailing hours of labor
22 applicable to the minor subcontract. The prevailing wage rates and prevailing hours
23 of labor applicable to a contract or subcontract may not be changed during the time
24 that the contract or subcontract is in force.

25 **SECTION 2559.** 103.49 (7) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 2559**

1 103.49 (7) (a) Except as provided under pars. (b) and (c), the department shall
2 distribute to all state agencies ~~and to the University of Wisconsin Hospitals and~~
3 ~~Clinics Authority~~ a list of all persons whom the department has found to have failed
4 to pay the prevailing wage rate determined under sub. (3) or has found to have paid
5 less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the
6 prevailing hours of labor at any time in the preceding 3 years. The department shall
7 include with any name the address of the person and shall specify when the person
8 failed to pay the prevailing wage rate and when the person paid less than 1.5 times
9 the hourly basic rate of pay for all hours worked in excess of the prevailing hours of
10 labor. A state agency ~~or the University of Wisconsin Hospitals and Clinics Authority~~
11 may not award any contract to the person unless otherwise recommended by the
12 department or unless 3 years have elapsed from the date the department issued its
13 findings or date of final determination by a court of competent jurisdiction,
14 whichever is later.

15 **SECTION 2560.** 103.805 (1) of the statutes is amended to read:

16 103.805 (1) The department or a permit officer shall ~~fix and collect a reasonable~~
17 ~~fee based on the cost of issuance of~~ collect a fee in the amount of \$7.50 for issuing
18 permits under ss. 103.25 and 103.71 and certificates of age under s. 103.75. The
19 department ~~may authorize the retention of the fees by the~~ A person designated to
20 issue permits and certificates of age ~~as compensation for the person's services if the~~
21 person who is not on the payroll of the division administering this chapter may retain
22 \$2.50 of that fee as compensation for the person's services and shall forward \$5 of that
23 fee to the department, which shall deposit that amount forwarded in the general
24 fund and credit \$2.50 of that amount forwarded to the appropriation account under
25 s. 20.445 (1) (j). A person designated to issue permits and certificates of age who is

SENATE BILL 55**SECTION 2560**

1 on the payroll of the division administering this chapter shall forward that fee to the
2 department, which shall deposit that fee in the general fund and credit \$2.50 of that
3 fee to the appropriation account under s. 20.445 (1) (j). The permit officer shall
4 account for all fees collected as the department prescribes.

5 **SECTION 2561.** 106.12 (2) of the statutes is amended to read:

6 106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. The board
7 shall plan, coordinate, administer, and implement the youth apprenticeship,
8 school-to-work and, work-based learning, and career counseling center programs
9 under s. 106.13 (1) and such other employment and education programs as the
10 governor may by executive order assign to the board. Notwithstanding any
11 limitations placed on the use of state employment and education funds under this
12 section or s. 106.13 or under an executive order assigning an employment and
13 education program to the board, the board may issue a general or special order
14 waiving any of those limitations on finding that the waiver will promote the
15 coordination of employment and education services.

16 **SECTION 2562.** 106.12 (4) of the statutes is created to read:

17 106.12 (4) PUBLICATIONS AND SEMINARS. The board may provide publications
18 and seminars relating to the employment and education programs administered by
19 the board and may establish a schedule of fees for those publications and seminars.
20 Fees established under this subsection for publications and seminars provided by the
21 board may not exceed the actual cost incurred in providing those publications and
22 seminars. The fees collected under this subsection shall be credited to the
23 appropriation account under s. 20.445 (7) (ga).

24 **SECTION 2563.** 106.13 (1) (d) of the statutes is created to read:

SENATE BILL 55**SECTION 2563**

1 106.13 (1) (d) Career counseling centers at which youths may receive the
2 services specified in sub. (4r).

3 **SECTION 2564.** 106.13 (3m) (a) of the statutes is amended to read:

4 106.13 (3m) (a) In this subsection, “local partnership” means one or more
5 school districts, or any combination of one or more school districts, other public
6 agencies, as defined in sub. (4) (a) 2., nonprofit organizations, as defined in sub. (4)
7 (a) ~~1.~~ 1r., individuals or other persons, who have agreed to be responsible for
8 implementing and coordinating a local youth apprenticeship program.

9 **SECTION 2565.** 106.13 (4) (a) 1. of the statutes is renumbered 106.13 (4) (a) 1r.

10 **SECTION 2566.** 106.13 (4) (a) 1d. of the statutes is created to read:

11 106.13 (4) (a) 1d. “Eligible employer” means an employer that is eligible to
12 receive a grant under this subsection according to the criteria established by the
13 board under par. (d).

14 **SECTION 2567.** 106.13 (4) (b) of the statutes is amended to read:

15 106.13 (4) (b) From the appropriation under s. 20.445 (7) (em), the board may
16 award a grant to a public agency or a nonprofit organization, or to an eligible
17 employer that is responsible for the on-the-job training and supervision of a youth
18 apprentice. A public agency or non-profit nonprofit organization that receives a
19 grant under this subsection shall use the funds awarded under the grant to award
20 training grants to eligible employers that provide on-the-job training and
21 supervision for youth apprentices. Subject to par. (c), a training grant provided
22 under this subsection may be awarded to an eligible employer for each youth
23 apprentice who receives at least 180 hours of paid on-the-job training from the
24 eligible employer during a school year, as defined in s. 115.001 (13). The amount of
25 a training grant may not exceed \$500 per youth apprentice per school year. A

SENATE BILL 55**SECTION 2567**

1 training grant may not be awarded for any specific youth apprentice for more than
2 2 school years.

3 **SECTION 2568.** 106.13 (4) (c) of the statutes is amended to read:

4 106.13 (4) (c) Notwithstanding par. (b), the board may award a training grant
5 under this subsection to an eligible employer that provides less than 180 hours of
6 paid on-the-job training for a youth apprentice during a school year, as defined in
7 s. 115.001 (13), if the board determines that it would be beneficial for the youth
8 apprentice to receive on-the-job training from more than one eligible employer.

9 **SECTION 2569.** 106.13 (4) (d) of the statutes is created to read:

10 106.13 (4) (d) The board shall establish eligibility criteria for a grant under this
11 subsection. That criteria shall specify that eligibility for a grant shall be limited to
12 small employers, as determined by the board, and to employers providing on-the-job
13 training in employment areas determined by the board. Notwithstanding sub. (5),
14 those criteria need not be promulgated as rules.

15 **SECTION 2570.** 106.14 (1) of the statutes is renumbered 106.14 and amended
16 to read:

17 **106.14 Job centers and career counseling centers.** The department shall
18 provide a job center network throughout the state through which job seekers may
19 receive comprehensive career planning, job placement, and job training information.
20 ~~As part of the job center network, the department shall provide career counseling~~
21 ~~centers at which youths may receive the services specified in sub. (2).~~

22 **SECTION 2571.** 106.14 (2) of the statutes is renumbered 106.13 (4r) and
23 amended to read:

24 106.13 (4r) (a) A career counseling center under ~~this section~~ sub. (1) (d) shall
25 provide youths with access to comprehensive career education and job training

SENATE BILL 55**SECTION 2571**

1 information, including information regarding postsecondary educational options in
2 vocational and technical educational programs. A career counseling center under
3 ~~this section sub. (1) (d)~~ may also assist youths in locating apprenticeship and other
4 work experience opportunities that are related to the youth's education.

5 (b) A career counseling center under this ~~this section sub. (1) (d)~~ shall
6 coordinate its services with the counseling and guidance activities and the education
7 for employment program under s. 121.02 (1) (m) provided by the school board of the
8 school district in which the career counseling center is located.

9 **SECTION 2572.** 106.21 (1) (g) of the statutes is amended to read:

10 106.21 (1) (g) "Public assistance" means relief provided by counties under s.
11 59.53 (21), Wisconsin works under ss. 49.141 to 49.161, aid to families with
12 dependent children under s. 49.19, medical assistance under subch. IV of ch. 49,
13 low-income energy assistance under s. 16.385, weatherization assistance under s.
14 16.39, and the food stamp program under 7 USC 2011 to 2029.

15 **SECTION 2573.** 106.21 (5) (a) of the statutes is amended to read:

16 106.21 (5) (a) *Community services activities; appropriations.* Moneys
17 appropriated under s. 20.445 (1) ~~(em), (jr) and (km)~~ (6) (bm, (j), and (k) may be used
18 for community services activities as authorized under those appropriations.

19 **SECTION 2574.** 106.215 (1) (a) of the statutes is renumbered 106.215 (1) (cd) and
20 amended to read:

21 106.215 (1) (cd) "~~Board~~" "Council" means the Wisconsin conservation corps
22 ~~board~~ council.

23 **SECTION 2575.** 106.215 (1) (e) of the statutes is amended to read:

24 106.215 (1) (e) "Local unit of government" means the governing body of any city,
25 town, village, county, county utility district, town sanitary district, public inland lake

SENATE BILL 55**SECTION 2575**

1 protection and rehabilitation district, metropolitan sewerage district or school
2 district, ~~the Fox-Winnebago regional management commission~~ or the elected tribal
3 governing body of a federally recognized American Indian tribe or band.

4 **SECTION 2576.** 106.215 (2) (intro.) of the statutes is amended to read:

5 106.215 (2) OBJECTIVES. (intro.) The ~~board~~ department shall develop
6 guidelines for the Wisconsin conservation corps program. The council shall advise
7 the department in developing those guidelines. Those guidelines shall be designed
8 to promote the objectives of:

9 **SECTION 2577.** 106.215 (3) of the statutes is amended to read:

10 106.215 (3) PROGRAM RESPONSIBILITY AND COORDINATION. ~~The board is the~~
11 ~~policy-making body~~ department is responsible for the administration of the
12 Wisconsin conservation corps program ~~and shall establish guidelines for this~~
13 ~~program. The board may delegate. That responsibility shall include~~ responsibility
14 for ~~administration,~~ implementation of projects, corps enrollee employment and
15 supervision, project coordination, and other details of the program ~~to the executive~~
16 ~~secretary or other staff of the board. The department shall assist the board in payroll,~~
17 ~~accounting and related management functions.~~

18 **SECTION 2578.** 106.215 (3m) of the statutes is amended to read:

19 106.215 (3m) REPORTING REQUIREMENT FOR DONATIONS. The ~~board~~ department
20 shall submit an annual report to the chief clerk of each house of the legislature for
21 distribution to the legislature under s. 13.172 (2) that identifies, for each gift, grant,
22 or bequest credited under s. 20.445 (6) (jb), the name of the individual or organization
23 making it and the amount of and the manner in which it is utilized.

24 **SECTION 2579.** 106.215 (4) (title) of the statutes is repealed.

25 **SECTION 2580.** 106.215 (4) (a) of the statutes is repealed.

SENATE BILL 55**SECTION 2581**

1 **SECTION 2581.** 106.215 (4) (b) of the statutes is renumbered 106.215 (4m) and
2 amended to read:

3 106.215 (4m) STAFF. The ~~board~~ department shall employ staff within the
4 classified service ~~which is~~ as necessary to administer the Wisconsin conservation
5 corps program, including staff to coordinate, supervise, and implement projects, to
6 recruit and train corps enrollees, and to provide administrative, typing, and clerical
7 services. The department shall ~~provide~~ also employ staff within the classified service
8 ~~which is~~ as necessary to provide for payroll, accounting, and related management
9 functions associated with the Wisconsin conservation corps program.

10 **SECTION 2582.** 106.215 (5) (a) of the statutes is amended to read:

11 106.215 (5) (a) *Eligible sponsors.* The federal government, a state agency, local
12 unit of government, or nonprofit organization may apply to the ~~board~~ department for
13 approval of a project.

14 **SECTION 2583.** 106.215 (5) (d) of the statutes is amended to read:

15 106.215 (5) (d) *Local government sponsors.* The ~~board and~~ department shall
16 encourage local units of government to apply for the approval of projects and shall
17 provide assistance and information to facilitate these applications.

18 **SECTION 2584.** 106.215 (5) (e) of the statutes is amended to read:

19 106.215 (5) (e) *Not to involve labor dispute or displace other employees.* No
20 project may be approved by the ~~board~~ department if corps enrollees will be used in
21 any manner in connection with a work or labor dispute or if approval of the project
22 would impair existing contracts or collective bargaining agreements with existing
23 employees of the sponsor. No project may be approved by the ~~board~~ department if
24 corps enrollees will be used to displace existing permanent employees of the sponsor,
25 including any employees who have been temporarily ~~laid-off~~ laid off by the sponsor.

SENATE BILL 55**SECTION 2585**

1 **SECTION 2585.** 106.215 (6) (intro.) of the statutes is amended to read:

2 106.215 (6) GUIDELINES FOR PROJECT APPROVAL. (intro.) The ~~board~~ department
3 shall establish guidelines to be used in selecting projects for approval. ~~These~~ The
4 council shall advise the department in establishing those guidelines. Those
5 guidelines shall include:

6 **SECTION 2586.** 106.215 (7) (c) of the statutes is amended to read:

7 106.215 (7) (c) *Conservation fund appropriation.* Notwithstanding par. (a),
8 moneys appropriated under s. 20.445 (6) (u) that are not derived from the forestation
9 state tax under s. 70.58 may be utilized for any project approved by the ~~board~~
10 department regardless of whether the project consists in whole or in part of
11 conservation activities.

12 **SECTION 2587.** 106.215 (8) of the statutes is amended to read:

13 106.215 (8) ADMINISTRATION; PROJECT APPROVAL; WORK PLANS; IMPLEMENTATION;
14 ENROLLEE SUPERVISION. (a) *Guidelines for administration.* The ~~board~~ department
15 shall provide guidelines for administration of the Wisconsin conservation corps
16 program. The council shall advise the department in providing those guidelines.

17 (b) *Administration.* The Wisconsin conservation corps program shall be
18 administered according to guidelines provided by the ~~board~~ department.

19 (c) *Administrative expenses; appropriations; reallocation.* Moneys
20 appropriated under s. 20.445 (6) (ja), (n), or (y) may be utilized for the payment of
21 administrative expenses related to the Wisconsin conservation corps program as
22 authorized under those appropriations. If the ~~board~~ department determines that
23 these appropriations are not sufficient, ~~it~~ the department may request the joint
24 committee on finance to take action under s. 13.101 (4) to transfer moneys from the

SENATE BILL 55**SECTION 2587**

1 appropriation account under s. 20.445 (6) (j), (m), or (u) to the appropriation account
2 under s. 20.445 (6) (ja), (n), or (y).

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

5 (e) *Complete project cost estimate.* Prior to approval of a project, the executive
6 secretary department shall prepare and submit to the board a complete project cost
7 estimate. This estimate shall include a summary of all anticipated costs resulting
8 from the implementation of the project.

9 (f) *Detailed work plan.* Prior to approval of a project, the executive secretary
10 department shall prepare and submit to the board a detailed work plan specifying
11 the nature, scope, and duration of the project; the number of corps enrollees;
12 training, supervisory, administrative, and other service requirements; supply, fuel,
13 tool, equipment, safety equipment, and other material requirements; time
14 schedules; and other details relating to the implementation of the project.

15 (g) *Responsibility agreement.* Prior to approval of a project, the executive
16 secretary department shall prepare and submit to the board a responsibility
17 agreement which that incorporates the complete project cost estimate and detailed
18 work plan and specifies in detail the responsibilities of the sponsor and the board
19 department with respect to the project.

20 (i) *Signing of responsibility agreement.* A project is not authorized and may not
21 be implemented until the sponsor and the board department sign the responsibility
22 agreement.

23 (j) *Implementation.* Except as provided in a responsibility agreement, the
24 board department is responsible for the implementation of an authorized project.

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1 The ~~board~~ department may delegate to a sponsor responsibility for implementing
2 various aspects of a project in the responsibility agreement.

3 (k) *Enrollee supervision.* 1. The ~~board~~ department is responsible for the overall
4 supervision and control of corps enrollees.

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

8 (L) *Project coordination.* The ~~board~~ department is responsible for the
9 coordination of work activities related to various projects in the same area.

10 **SECTION 2588.** 106.215 (8g) (a) of the statutes is amended to read:

11 106.215 (8g) (a) If a sponsor pays for the total cost of a project, the ~~board~~
12 department may select and approve a project without using the guidelines
13 established under sub. (6).

14 **SECTION 2589.** 106.215 (8m) of the statutes is amended to read:

15 106.215 (8m) ADMINISTRATIVE PROJECT. In addition to the projects authorized
16 under this section, the ~~board~~ department may approve one project that provides
17 employment for corps enrollees in an administrative work or training project
18 sponsored by the Wisconsin conservation corps. Subsections (5) (a) to (d), (6), and (8)
19 (d), (g) to (j), and (k) 1. do not apply to a project approved under this subsection.

20 **SECTION 2590.** 106.215 (9) of the statutes is amended to read:

21 106.215 (9) WORK CAMPS; TRAINING. (a) *Work camps.* If necessary for the
22 implementation of a conservation project, the ~~board~~ department may establish or
23 utilize residential facilities, but the ~~board~~ department may not use moneys
24 appropriated under s. 20.445 (6) (u) or (y) for the establishment of new residential
25 facilities.

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1 (b) *Education and training.* The board department shall facilitate
2 arrangements with local schools and institutions of higher education for academic
3 study by corps enrollees to upgrade literacy skills, obtain equivalency diplomas or
4 college degrees, or enhance employment skills. The board department shall
5 encourage the development of training programs for corps enrollees for use during
6 time periods when circumstances do not permit work on a project.

7 **SECTION 2591.** 106.215 (10) (a) of the statutes is amended to read:

8 106.215 (10) (a) *Authorization; classification.* The board department may
9 employ corps enrollees. The board department shall classify these enrollees as corps
10 members, assistant crew leaders, crew leaders, or regional crew leaders.

11 **SECTION 2592.** 106.215 (10) (fm) (intro.) of the statutes is amended to read:

12 106.215 (10) (fm) *Group health care coverage.* (intro.) The board department
13 may provide group health care coverage, including group health care coverage
14 offered by the state under s. 40.51, to any of the following:

15 **SECTION 2593.** 106.215 (10) (fm) 1. of the statutes is amended to read:

16 106.215 (10) (fm) 1. Corps enrollees who have been crew leaders, regional crew
17 leaders or a combination thereof for at least 2 years 6 months.

18 **SECTION 2594.** 106.215 (10) (fm) 2. of the statutes is amended to read:

19 106.215 (10) (fm) 2. Crew leaders or regional crew leaders who are discharging
20 special responsibilities, as determined by the board department.

21 **SECTION 2595.** 106.215 (10) (g) 1. of the statutes is amended to read:

22 106.215 (10) (g) 1. A person who is employed as a corps enrollee for a 6-month
23 to one-year period of continuous employment, as determined by standards adopted
24 by the board department, and who receives a satisfactory employment evaluation
25 upon termination of employment is entitled to an incentive payment of \$500 prorated

SENATE BILL 55**SECTION 2595**

1 in the same proportion as the number of hours of employment completed by that
2 person bears to 2,080 hours.

3 **SECTION 2596.** 106.215 (10) (g) 1m. of the statutes is amended to read:

4 106.215 (10) (g) 1m. In lieu of the incentive payment under subd. 1., a person
5 who is employed as a corps enrollee for at least a 6-month period of continuous
6 employment, as determined by standards adopted by the ~~board~~ department, and who
7 receives a satisfactory employment evaluation is entitled to an education voucher
8 that is worth at least double the monetary value of the prorated incentive payment
9 under subd. 1., but not more than \$2,800 prorated in the same proportion as the
10 number of hours of employment completed by that person bears to 2,080 hours.

11 **SECTION 2597.** 106.215 (10) (g) 2. of the statutes is amended to read:

12 106.215 (10) (g) 2. The ~~board~~ department may authorize a partial incentive
13 payment to a person who is employed as a corps enrollee and who receives a
14 satisfactory employment evaluation upon termination of employment if the person
15 is employed, as a corps enrollee for less than a one-year period of continuous
16 employment and the ~~board~~ department determines that employment was
17 terminated because of special circumstances beyond the control of the corps enrollee
18 or if the person is employed as a corps enrollee for at least 10 months but less than
19 a one-year period of continuous employment, and the ~~board~~ department determines
20 that employment was terminated in order to enable the person to attend an
21 institution of higher education, technical college, or other training program or to
22 enable the person to obtain other employment.

23 **SECTION 2598.** 106.215 (10) (g) 2m. of the statutes is amended to read:

24 106.215 (10) (g) 2m. In lieu of a partial incentive payment under subd. 2. the
25 ~~board~~ department may authorize a partial education voucher to a person who is

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1 employed as a corps enrollee and who receives a satisfactory employment evaluation
2 upon termination of employment if the person is employed as a corps enrollee for less
3 than a 6-month period of continuous employment, and the board department
4 determines that employment was terminated because of special circumstances
5 beyond the control of the corps enrollee.

6 **SECTION 2599.** 106.215 (10) (g) 3. of the statutes is amended to read:

7 106.215 (10) (g) 3. The education voucher is valid for ~~3~~ 4 years after the date
8 of issuance for the payment of tuition and required program activity fees at any
9 institution of higher education, as defined under s. ~~39.32 (1) (a)~~, which in 20 USC
10 1002, that accepts the voucher, and the board department shall authorize payment
11 to the institution of face value of the voucher upon presentment.

12 **SECTION 2600.** 106.215 (10) (h) of the statutes is amended to read:

13 106.215 (10) (h) *Helmets; footwear; safety equipment.* The board department
14 shall provide each corps enrollee working on a conservation activity with a safety
15 helmet displaying a Wisconsin conservation corps emblem. The board department
16 shall require each corps enrollee to have adequate protective footwear, if needed for
17 the project, and may partially reimburse corps enrollees for the cost of obtaining this
18 footwear. The board department shall ensure that all other necessary safety
19 equipment is provided for each corps enrollee.

20 **SECTION 2601.** 106.215 (11) of the statutes is amended to read:

21 106.215 (11) QUALIFICATIONS AND REQUIREMENTS FOR CORPS ENROLLEES. (a) *Age.*
22 ~~In order to~~ To qualify for employment as a corps member or an assistant crew leader,
23 a person is required to have attained the age of 18 years but may not have attained
24 the age of 26 years at the time he or she the person accepts employment. ~~In order~~
25 ~~to~~ To qualify for employment as a crew leader or a regional crew leader, a person is

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1 required to have attained the age of 18 years at the time ~~he or she~~ the person accepts
2 employment.

3 (b) *Unemployed.* ~~In order to~~ To qualify for employment as a corps member, a
4 person is required to be unemployed at the time ~~he or she~~ the person applies for
5 employment. ~~In order to~~ To qualify for employment as an assistant crew leader, a
6 person is required to be either unemployed at the time ~~he or she~~ the person applies
7 for employment or is required to be employed as a corps member. ~~In order to~~ To
8 establish that a person is unemployed at the time of application for employment, the
9 ~~board~~ department may require the person to be certified as unemployed by a local
10 job service office.

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

16 (d) *Training and skills.* No training or skills are required ~~in order to~~ qualify
17 for employment as a corps member. The ~~board~~ department shall establish minimum
18 levels of performance, training, and skills required to qualify for employment as or
19 promotion to assistant crew leader, crew leader, or regional crew leader. The council
20 shall advise the department in establishing those minimum levels.

21 (e) *Physical examination.* No physical examination is required ~~in order to~~ apply
22 for employment as a corps enrollee, but the ~~board~~ department may require a physical
23 examination after a corps enrollee is employed. The ~~board~~ department may accept
24 evidence of a physical examination conducted within one year prior to employment

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1 as meeting such a requirement if the examining physician signs a form containing
2 the information required by the ~~board~~ department.

3 **SECTION 2602.** 106.215 (12) of the statutes is amended to read:

4 106.215 (12) SELECTION OF CORPS ENROLLEES. (a) *Standards.* The ~~board~~
5 department shall establish standards for the selection of full-time and part-time
6 corps enrollees from among those persons who are qualified and seek employment.
7 The council shall advise the department in establishing those standards.

8 (am) *Employment of certain persons.* ~~On and after January 1, 1988, the board~~
9 The department shall attempt to hire at least 50% of its corps members from among
10 those persons who are receiving public assistance at the time of application for
11 employment, who have received public assistance within one year of the time of
12 application for employment, or who are likely to be eligible for public assistance if
13 they do not obtain employment.

14 (b) *Affirmative action plan.* The ~~board~~ department shall adopt a statewide
15 affirmative action plan and shall comply with the requirements under s. 230.06 (1)
16 (g) to (k). The council shall advise the department in adopting that plan. The
17 standards established under par. (a) shall be consistent with ~~this~~ that plan.

18 (c) *Hiring procedure.* The ~~board~~ department shall develop procedures for the
19 hiring of corps enrollees ~~in cooperation with the department.~~ The council shall
20 advise the department in developing those procedures. The ~~board~~ department shall
21 utilize any appropriate local job service office in the area of a project to distribute
22 applications, conduct interviews and evaluate applicants, and make
23 recommendations concerning the hiring of corps enrollees. The ~~board~~ department
24 may utilize project sponsors who are sponsoring long-term projects to conduct

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1 interviews, evaluate applicants, and make recommendations concerning the hiring
2 of corps enrollees.

3 **SECTION 2603.** 106.215 (13) of the statutes is amended to read:

4 106.215 (13) ENROLLMENT PERIOD; EVALUATION; PROMOTION; DISCIPLINE. (a)
5 *Enrollment period.* The ~~board~~ department may authorize the employment of a corps
6 member who is not promoted to assistant crew leader beyond the 6-month to
7 one-year enrollment period for a limited time, not to exceed one year, if the corps
8 member has a disability. The normal enrollment period for a corps member who is
9 promoted to assistant crew leader or for a person who is hired as assistant crew
10 leader is 2 years. The ~~board~~ department may authorize the employment of a corps
11 member or assistant crew leader beyond the normal enrollment period for a limited
12 time, not to exceed 3 months, under special circumstances ~~where~~ when continued
13 employment is required ~~in order~~ to complete a project in progress. The normal
14 enrollment period for a crew leader or a regional crew leader is 2 years. The ~~board~~
15 department may extend the employment of a crew leader beyond the normal
16 enrollment period if the crew leader possesses special experience, training, or skills
17 valuable to the program. The ~~board~~ department may extend the employment of a
18 regional crew leader for an unlimited time.

19 (b) *Evaluation; promotion; discipline.* The ~~board~~ department shall establish
20 standards and procedures to evaluate the performance, to determine promotions, for
21 discipline, and for termination of employment of corps enrollees. The council shall
22 advise the department in establishing those standards and procedures.

23 **SECTION 2604.** 108.07 (8) (b) of the statutes is amended to read:

24 108.07 (8) (b) If a claimant is a prisoner of a state prison, ~~as defined~~ listed in
25 s. 302.01, and has employment with an employer other than the department of

SENATE BILL 55**SECTION 2604**

1 corrections or a private business leasing space within a state prison under s. 303.01
2 (2) (em), and the claimant's employment terminates because conditions of
3 incarceration or supervision make it impossible to continue the employment, the
4 department shall charge to the fund's balancing account any benefits based on the
5 terminated employment that are otherwise chargeable to the account of an employer
6 that is subject to the contribution requirements under ss. 108.17 and 108.18.

7 **SECTION 2605.** 110.20 (6) (a) 1. of the statutes is amended to read:

8 110.20 (6) (a) 1. For a nonexempt vehicle required to be registered on an annual
9 or other periodic basis in this state, within ~~90 days~~ the period of time specified by the
10 department under sub. (9) (d) prior to renewal of registration in the 2nd year after
11 the nonexempt vehicle's model year and every 2 years thereafter, except as provided
12 in sub. (9) (j).

13 **SECTION 2606.** 110.20 (9) (d) of the statutes is amended to read:

14 110.20 (9) (d) Specify a period of time during which an emissions inspection
15 must be performed for a nonexempt vehicle subject to sub. (6) (a) 1. or 2.

16 **SECTION 2607.** 111.70 (1) (a) of the statutes is amended to read:

17 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
18 obligation of a municipal employer, through its officers and agents, and the
19 representative of its municipal employees in a collective bargaining unit, to meet and
20 confer at reasonable times, in good faith, with the intention of reaching an
21 agreement, or to resolve questions arising under such an agreement, with respect to
22 wages, hours, and conditions of employment, and with respect to a requirement of
23 the municipal employer for a municipal employee to perform law enforcement and
24 fire fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s.
25 40.81 (3) and except that a municipal employer shall not meet and confer with respect

SENATE BILL 55**SECTION 2607**

1 to any proposal to diminish or abridge the rights guaranteed to municipal employees
2 under ch. 164. The duty to bargain, however, does not compel either party to agree
3 to a proposal or require the making of a concession. Collective bargaining includes
4 the reduction of any agreement reached to a written and signed document. The
5 municipal employer shall not be required to bargain on subjects reserved to
6 management and direction of the governmental unit except insofar as the manner
7 of exercise of such functions affects the wages, hours, and conditions of employment
8 of the municipal employees in a collective bargaining unit. In creating this
9 subchapter the legislature recognizes that the municipal employer must exercise its
10 powers and responsibilities to act for the government and good order of the
11 jurisdiction which it serves, its commercial benefit and the health, safety, and
12 welfare of the public to assure orderly operations and functions within its
13 jurisdiction, subject to those rights secured to municipal employees by the
14 constitutions of this state and of the United States and by this subchapter.

15 **SECTION 2608.** 111.70 (4) (cm) 8s. of the statutes is amended to read:

16 111.70 (4) (cm) 8s. 'Forms for determining costs; determination of fringe
17 benefits coverage.' a. The commission shall prescribe forms for calculating the total
18 increased cost to the municipal employer of compensation and fringe benefits
19 provided to school district professional employees. The cost shall be determined
20 based upon the total cost of compensation and fringe benefits provided to school
21 district professional employees who are represented by a labor organization on the
22 90th day before expiration of any previous collective bargaining agreement between
23 the parties, or who were so represented if the effective date is retroactive, or the 90th
24 day prior to commencement of negotiations if there is no previous collective
25 bargaining agreement between the parties, without regard to any change in the

SENATE BILL 55**SECTION 2608**

1 number, rank or qualifications of the school district professional employees. For
2 purposes of such determinations, any cost increase that is incurred on any day other
3 than the beginning of the 12-month period commencing with the effective date of the
4 agreement or any succeeding 12-month period commencing on the anniversary of
5 that effective date shall be calculated as if the cost increase were incurred as of the
6 beginning of the 12-month period beginning on the effective date or anniversary of
7 the effective date in which the cost increase is incurred. In each collective bargaining
8 unit to which subd. 5s. applies, the municipal employer shall transmit to the
9 commission and the labor organization a completed form for calculating the total
10 increased cost to the municipal employer of compensation and fringe benefits
11 provided to the school district professional employees covered by the agreement as
12 soon as possible after the effective date of the agreement.

13 **SECTION 2609.** 111.70 (4) (cm) 8s. b. of the statutes is created to read:

14 111.70 (4) (cm) 8s. b. For the purpose of determining whether fringe benefits
15 provided to municipal employees are maintained by a municipal employer under a
16 qualified economic offer, the commission shall consider substantially similar health
17 care benefits to be identical to existing health care benefits. Rules promulgated by
18 the office of the commissioner of insurance under s. 601.415 (13) shall be used to
19 determine if the health care benefits are substantially similar.

20 **SECTION 2610.** 111.70 (4) (jm) 4. k. of the statutes is created to read:

21 111.70 (4) (jm) 4. k. Establish a system for conducting interrogations of
22 members of the police department that is limited to the hours between 7 a.m. and 5
23 p.m. on working days, as defined in s. 227.01 (14), if the interrogations could lead to
24 disciplinary action, demotion, or dismissal.

SENATE BILL 55**SECTION 2611**

1 **SECTION 2611.** 111.70 (4) (m) (title), 1., 2. and 4. of the statutes are amended
2 to read:

3 111.70 (4) (m) (title) *Prohibited subjects of bargaining: school districts.*

4 1. Reassignment of municipal employees ~~who perform services for a board of~~
5 ~~school directors under ch. 119~~, with or without regard to seniority, as a result of a
6 decision of the ~~board of school directors~~ municipal employer to contract with an
7 ~~individual or group~~ a person to operate a school as a charter school, as defined in s.
8 115.001 (1), or to convert a school to a charter school, or the impact of any such
9 reassignment on the wages, hours, or conditions of employment of the municipal
10 employees ~~who perform those services~~.

11 2. Reassignment of municipal employees ~~who perform services for a board of~~
12 ~~school directors~~, with or without regard to seniority, as a result of the decision of the
13 ~~board~~ municipal employer to close or reopen a school under s. ~~119.18 (23)~~ 118.36, or
14 the impact of any such reassignment on the wages, hours, or conditions of
15 employment of the municipal employees ~~who perform those services~~.

16 4. Any decision of a ~~board of school directors~~ municipal employer to contract
17 with a school or agency to provide educational programs under s. ~~119.235~~ 118.37, or
18 the impact of any such decision on the wages, hours, or conditions of employment of
19 the municipal employees who perform services for the ~~board~~ municipal employer.

20 **SECTION 2612.** 111.70 (4) (m) 5. of the statutes is created to read:

21 111.70 (4) (m) 5. Layoff or reassignment of municipal employees, with or
22 without regard to seniority, as provided under s. 117.25 (1) (e), or the impact of any
23 such layoff or reassignment on the wages, hours, or conditions of employment of the
24 municipal employees.

25 **SECTION 2613.** 111.70 (4) (m) 7. of the statutes is created to read:

SENATE BILL 55**SECTION 2613**

1 111.70 (4) (m) 7. Assignment of municipal employees, with or without regard
2 to seniority, in any school district designated a school district with expanded
3 flexibility under s. 118.39, or the impact of any such assignment on the wages, hours,
4 or conditions of employment of the municipal employees.

5 **SECTION 2614.** 111.70 (4) (m) 8. of the statutes is created to read:

6 111.70 (4) (m) 8. The establishment of the school calendar. This subdivision
7 shall not be construed to eliminate a school district's duty to bargain collectively with
8 respect to the impact of the school calendar on wages, hours, and conditions of
9 employment of the municipal employees who perform services for a school district.

10 **SECTION 2615.** 111.70 (4) (o) of the statutes is created to read:

11 111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,
12 the municipal employer is not required to bargain collectively with respect to the
13 selection of any group health care benefits provider for school district professional
14 employees if the provider offers health care benefits coverage that is substantially
15 similar to that offered by other providers in bids submitted under s. 120.12 (24).
16 Rules promulgated by the office of the commissioner of insurance under s. 601.415
17 (13) shall be used to determine if health care benefits coverage offered by different
18 providers is substantially similar.

19 **SECTION 2616.** 115.28 (7) (a) of the statutes is amended to read:

20 115.28 (7) (a) License all teachers for the public schools of the state, make rules
21 establishing standards of attainment and procedures for the examination and
22 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192,
23 and 118.195, prescribe by rule standards and procedures for the approval of teacher
24 preparatory programs leading to licensure, file in the state superintendent's office
25 all papers relating to state teachers' licenses, and register each such license.

SENATE BILL 55**SECTION 2617**

1 **SECTION 2617.** 115.28 (7) (b) of the statutes is amended to read:

2 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
3 applicants and, granting and revocation of licenses or certificates under par. (a), and
4 limitation and suspension of licenses under s. 115.31, the state superintendent shall
5 grant certificates and licenses to teachers in private schools, except that teaching
6 experience requirements for such certificates and licenses may be fulfilled by
7 teaching experience in either public or private schools. An applicant is not eligible
8 for a license or certificate unless the state superintendent finds that the private
9 school in which the applicant taught offered an adequate educational program
10 during the period of the applicant's teaching therein. Private schools are not
11 obligated to employ only licensed or certified teachers.

12 **SECTION 2618.** 115.28 (7) (c) of the statutes is amended to read:

13 115.28 (7) (c) Subject to ~~s. ss. 118.19 (4m)~~ and 118.195, license and make rules
14 for the examination and licensing of persons, including teachers, employed to
15 provide publicly funded special education and related services, as those terms are
16 defined in s. 115.76 (14) and (15).

17 **SECTION 2619.** 115.28 (7) (e) 2. of the statutes is amended to read:

18 115.28 (7) (e) 2. ~~Promulgate~~ Subject to ss. 118.19 and 118.195, promulgate rules
19 establishing requirements for licensure as an alternative education program teacher
20 and for the approval of teacher education programs leading to licensure as an
21 alternative education program teacher. The rules shall encompass the teaching of
22 multiple subjects or grade levels or both, as determined by the state superintendent.
23 The rules may require teacher education programs to grant credit towards licensure
24 as an alternative education program teacher for relevant experience or
25 demonstrated proficiency in relevant skills and knowledge.

SENATE BILL 55**SECTION 2620**

1 **SECTION 2620.** 115.28 (9) of the statutes is amended to read:

2 115.28 **(9)** FEDERAL AIDS. Accept federal funds for any function over which the
3 state superintendent has jurisdiction and, act as the agent for the receipt and
4 disbursement of such funds, and distribute to school districts the maximum amount
5 of such funds allowed under federal law except those funds provided for
6 administrative purposes.

7 **SECTION 2621.** 115.28 (26) of the statutes is amended to read:

8 115.28 **(26)** PERIODICAL AND REFERENCE INFORMATION DATABASES. Contract with
9 one or more persons to provide statewide access, through the Internet, to periodical
10 and reference information databases. The state superintendent shall charge each
11 school district a fee for use of the databases.

12 **SECTION 2622.** 115.28 (27) of the statutes is repealed.

13 **SECTION 2623.** 115.28 (30) (c) of the statutes is created to read:

14 115.28 **(30)** (c) Ensure that the vocational education consultants employed by
15 the department coordinate their activities with, and support the activities of, the
16 staff of the governor's work-based learning board under s. 106.12.

17 **SECTION 2624.** 115.28 (33) of the statutes is repealed and recreated to read:

18 115.28 **(33)** GRANTS FOR CONSOLIDATION AND COORDINATION STUDIES. From the
19 appropriation under s. 20.255 (2) (es), award grants to 2 or more school districts that
20 are considering consolidating or coordinating the provision of educational services
21 for the purpose of studying the feasibility of the consolidation or coordination. The
22 department shall promulgate rules to implement and administer this subsection.

23 **SECTION 2625.** 115.28 (42) of the statutes is created to read:

24 115.28 **(42)** WISCONSIN GEOGRAPHICAL EDUCATION PROGRAM. Enter into an
25 agreement with the National Geographical Society Education Foundation to

SENATE BILL 55**SECTION 2625**

1 establish a geographical education program in this state. The agreement shall
2 require each of the following:

3 (a) That the National Geographical Society Education Foundation shall
4 establish and manage a trust fund consisting of any grant made under 2001
5 Wisconsin Act ... (this act), section 9101 (10) (b), and \$500,000 in matching funds
6 provided by the Foundation.

7 (b) That, from the trust fund established under par. (a) and any income thereon,
8 the National Geographical Society Education Foundation shall award grants and
9 support programs for improving geographical education in this state, with an
10 emphasis on improving student use of geographic information systems technology.

11 (c) That the National Geographical Society Education Foundation annually
12 submit to the department an audited financial statement of the trust fund
13 established under par. (a) that is prepared by an independent auditor and a report
14 listing the names of grant recipients and the amounts and purposes of awards and
15 other expenditures made from the trust fund.

16 (d) That, if the trust fund established under par. (a) is dissolved, the National
17 Geographical Society Education Foundation shall return to the department the
18 grant made under 2001 Wisconsin Act ... (this act), section 9101 (10) (b), and
19 unexpended income thereon.

20 (e) That the agreement is not effective unless the secretary of administration
21 determines that the transfer between the appropriation accounts described under
22 2001 Wisconsin Act ... (this act), section 9101 (10) (b), has occurred and that the
23 National Geographical Society Education Foundation has provided the matching
24 funds described in par. (a).

25 **SECTION 2626.** 115.285 of the statutes is created to read:

SENATE BILL 55**SECTION 2626**

1 **115.285 Rule making; distance education.** (1) In this section, “distance
2 education” means education that is characterized by separation, in time or place,
3 between the teacher and the pupil, and includes courses that are taught principally
4 through the use of video or audio transmission or transmission over the Internet.

5 (2) Notwithstanding ss. 227.10 (1) and 227.11 (2), the state superintendent
6 may not promulgate a rule that relates to distance education without the approval
7 of the secretary of administration, the technical college system board, and the
8 technology for educational achievement in Wisconsin board.

9 **SECTION 2627.** 115.29 (6) of the statutes is created to read:

10 115.29 (6) LICENSING OF TEACHERS. Establish different levels of teacher
11 licensure, such as initial, professional, and master licenses, and promulgate rules
12 establishing different standards for each level.

13 **SECTION 2628.** 115.31 (title) of the statutes is amended to read:

14 **115.31 (title) License or permit limitation, suspension, and revocation;**
15 **reports; investigation.**

16 **SECTION 2629.** 115.31 (1) (d) of the statutes is created to read:

17 115.31 (1) (d) “License” includes a permit issued under s. 118.192.

18 **SECTION 2630.** 115.31 (1) (e) of the statutes is created to read:

19 115.31 (1) (e) “Limit” has the meaning under s. 440.01 (1) (d).

20 **SECTION 2631.** 115.31 (1) (f) of the statutes is created to read:

21 115.31 (1) (f) “Suspend” has the meaning under s. 440.01 (1) (h).

22 **SECTION 2632.** 115.31 (2) of the statutes is amended to read:

23 115.31 (2) Except as provided under sub. (2g), after written notice of the
24 charges and of an opportunity for defense, any license granted by the state

SENATE BILL 55**SECTION 2632**

1 superintendent may be limited, suspended, or revoked by the state superintendent
2 for incompetency or immoral conduct on the part of the licensee.

3 **SECTION 2633.** 115.31 (2g) of the statutes is renumbered 115.31 (2g) (intro.) and
4 amended to read:

5 115.31 (2g) (intro.) Notwithstanding subch. II of ch. 111, the state
6 superintendent shall revoke a license granted by the state superintendent, without
7 a hearing, if the licensee is convicted of any of the following:

8 (a) A Class A, B, C, or D felony under ch. 940 or 948, except ss. 940.08 and
9 940.205, for a violation that occurs on or after September 12, 1991.

10 **SECTION 2634.** 115.31 (2g) (b) of the statutes is created to read:

11 115.31 (2g) (b) A crime under the law of another state or another country that
12 is substantially similar to a crime specified under par. (a), for a violation that occurs
13 on or after the effective date of this paragraph [revisor inserts date].

14 **SECTION 2635.** 115.31 (2g) (br) of the statutes is created to read:

15 115.31 (2g) (br) A Class BC felony under ch. 940 or 948 for a violation that
16 occurs on or after the effective date of this paragraph [revisor inserts date].

17 **SECTION 2636.** 115.31 (6) (b) of the statutes is amended to read:

18 115.31 (6) (b) Upon receiving a report under sub. (3) relating to a person
19 licensed by the state superintendent, the state superintendent shall investigate to
20 determine whether to initiate limitation, suspension, or revocation proceedings.
21 During the investigation, the state superintendent shall keep confidential all
22 information pertaining to the investigation except the fact that an investigation is
23 being conducted and the date of the limitation, suspension, or revocation hearing.

24 **SECTION 2637.** 115.31 (6) (c) of the statutes is amended to read:

SENATE BILL 55**SECTION 2637**

1 115.31 (6) (c) Notwithstanding s. 16.61 (4), the department shall destroy all
2 information pertaining to an investigation or a limitation, suspension, or revocation
3 proceeding, other than the fact that a person was convicted of a crime described
4 under sub. (3) (a) 1., 3 years from the date on which the investigation is terminated
5 or a final decision denying limitation, suspension, or revocation of the person's
6 license is issued, whichever is later.

7 **SECTION 2638.** 115.31 (7m) of the statutes is created to read:

8 115.31 (7m) At the request of the state superintendent, an educational agency
9 shall disclose to the state superintendent all records relating to an employee or
10 former employee of the educational agency who is licensed by the state
11 superintendent if the state superintendent has commenced an investigation to
12 determine whether to initiate limitation, suspension, or revocation proceedings
13 under this section. The state superintendent shall keep confidential all information
14 disclosed under this subsection.

15 **SECTION 2639.** 115.38 (1) of the statutes is renumbered 115.38 (1r), and 115.38
16 (1r) (intro.), (b) 2. and (c), as renumbered, are amended to read:

17 115.38 (1r) (intro.) The ~~state superintendent~~ board shall develop a school and
18 school district performance report for use by school districts under sub. (2). The
19 report shall include all of the following by school and by school district:

20 (b) 2. The numbers of suspensions and expulsions; the reasons for which pupils
21 are suspended or expelled, reported according to categories specified by the state
22 superintendent board; the length of time for which pupils are expelled, reported
23 according to categories specified by the ~~state superintendent~~ board; whether pupils
24 return to school after their expulsion; the educational programs and services, if any,
25 provided to pupils during their expulsions, reported according to categories specified

SENATE BILL 55**SECTION 2639**

1 by the ~~state superintendent~~ board; the schools attended by pupils who are suspended
2 or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
3 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

4 (c) Staffing and financial data information, as determined by the state
5 superintendent board, not to exceed 10 items. The ~~state superintendent~~ board may
6 not request a school board to provide information solely for the purpose of including
7 the information in the report under this paragraph.

8 **SECTION 2640.** 115.38 (1g) of the statutes is created to read:

9 115.38 (1g) In this section, “board” means the board on education evaluation
10 and accountability.

11 **SECTION 2641.** 115.38 (2) of the statutes is amended to read:

12 115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January
13 1, each school board shall distribute to the parent or guardian of each pupil enrolled
14 in the school district, including pupils enrolled in charter schools located in the school
15 district, or give to each pupil to bring home to his or her parent or guardian, a school
16 and school district performance report that includes the information specified by the
17 ~~state superintendent~~ board under sub. (1) (1r).

18 **SECTION 2642.** 115.38 (3) of the statutes is amended to read:

19 115.38 (3) Annually, the ~~state superintendent~~ board shall publish and
20 distribute to the legislature under s. 13.172 (2) a summary of the reports under sub.
21 (2).

22 **SECTION 2643.** 115.38 (4) of the statutes is amended to read:

23 115.38 (4) ~~Beginning in the 1993-94 school year and annually thereafter~~
24 Annually, the state superintendent shall identify those school districts that are low
25 in performance and those schools in which there are pupils enrolled who do not meet

SENATE BILL 55**SECTION 2643**

1 the state minimum performance standards on the examinations administered under
2 s. 118.30. The state superintendent shall make recommendations regarding how the
3 programs and operations of the identified school districts and schools may be
4 improved ~~and~~. Each school district shall review the recommendations and develop
5 an improvement plan. The state superintendent shall periodically assess school
6 district implementation of the ~~recommendations~~ plans.

7 **SECTION 2644.** 115.38 (4) of the statutes, as affected by 2001 Wisconsin Act ...
8 (this act), is amended to read:

9 115.38 (4) Annually, the ~~state superintendent~~ board shall identify those school
10 districts that are low in performance and those schools in which there are pupils
11 enrolled who do not meet the state minimum performance standards on the
12 examinations administered under s. 118.30. The ~~state superintendent~~ board shall
13 make recommendations regarding how the programs and operations of the identified
14 school districts and schools may be improved. Each school district shall review the
15 recommendations and develop an improvement plan. The ~~state superintendent~~
16 board shall periodically assess school district implementation of the plans.

17 **SECTION 2645.** 115.38 (5) of the statutes is created to read:

18 115.38 (5) Annually, the state superintendent shall publish and distribute to
19 the governor, and to the legislature under s. 13.172 (2), a list of the school districts
20 and schools that are identified under sub. (4).

21 **SECTION 2646.** 115.38 (5) of the statutes, as created by 2001 Wisconsin Act ...
22 (this act), is amended to read:

23 115.38 (5) Annually, the ~~state superintendent~~ board shall publish and
24 distribute to the governor, and to the legislature under s. 13.172 (2), a list of the
25 school districts and schools that are identified under sub. (4).

SENATE BILL 55**SECTION 2647**

1 **SECTION 2647.** 115.385 of the statutes is created to read:

2 **115.385 Bureau for school improvement.** (1) In this section, “bureau”
3 means the bureau for school improvement in the department.

4 (2) The bureau shall provide on-site, technical assistance to schools and school
5 districts, especially to schools and school districts that are identified as low in
6 performance under s. 115.38. The bureau shall consist of multidisciplinary school
7 improvement teams, each of which shall include at least one licensed teacher
8 employed by a school district and on assignment to the department under sub. (3).

9 (3) The department shall enter into agreements with school districts under s.
10 230.047 for the temporary assignment of licensed teachers to the department for
11 inclusion on the school improvement teams under sub. (2). Approval of the secretary
12 of employment relations is not required for an agreement under this subsection.

13 (4) The bureau shall administer the grant programs under s. 118.39 (5).

14 (5) This section does not apply unless the governor approves the reorganization
15 plan under 2001 Wisconsin Act (this act), section 9140 (4).

16 **SECTION 2648.** 115.415 of the statutes is created to read:

17 **115.415 School performance grants.** (1) Beginning in the 2003-04 school
18 year, the department shall, from the appropriation under s. 20.255 (2) (fj), award
19 grants to school boards on behalf of schools in school districts that demonstrate
20 improved performance over the previous school year. The department shall, after
21 considering the proposed criteria submitted under 2001 Wisconsin Act (this act),
22 section 9140 (5), promulgate rules to implement and administer this section. The
23 rules shall include, as criteria for grant eligibility, dropout rates, graduation rates,
24 improvement in pupils’ academic performance and in teachers’ knowledge and skills,
25 and the number of teachers certified by the National Board for Professional Teaching

SENATE BILL 55**SECTION 2648**

1 Standards. In promulgating its rules, the department shall specify the weight
2 assigned to each criterion, except that the department shall assign 75% of the weight
3 to improvement in pupils' academic performance.

4 (2) The department may not award grants under sub. (1) to more than 6 school
5 boards in the same school year and shall ensure that the amount of each grant does
6 not exceed \$2,000 multiplied by the number of employees in all schools in the school
7 district that meet the performance requirements contained in the rules promulgated
8 under sub. (1). The department may not award a grant after June 30, 2004, to a
9 school board that was ineligible to receive a grant before that date. The department
10 may renew grants to school boards that received grants before June 30, 2004, if their
11 schools continue, without interruption, to meet performance requirements
12 contained in the rules promulgated under sub. (1).

13 **SECTION 2649.** 115.42 (1) (a) 3. of the statutes is repealed.

14 **SECTION 2650.** 115.42 (1) (b) of the statutes is amended to read:

15 115.42 (1) (b) The grant under this subsection shall be an amount equal to the
16 costs of obtaining certification under par. (a) 1. that are borne by the person, not to
17 exceed \$2,000. The department shall award the grant under this subsection ~~in the~~
18 ~~school year in which the person is certified under par. (a) 1., except that if the person~~
19 ~~becomes certified under par. (a) 1. while he or she is not a resident of this state, the~~
20 ~~department shall award the grant under this subsection in the first school year in~~
21 ~~which the person meets the requirements under par. (a).~~

22 **SECTION 2651.** 115.42 (2) (intro.) of the statutes is renumbered 115.42 (2) (a)
23 (intro.) and amended to read:

24 115.42 (2) (a) (intro.) The department shall award ~~a~~ 9 grants of \$2,500 grant
25 each to each person who received a grant under sub. (1) ~~in each of the 9 school years~~

SENATE BILL 55**SECTION 2651**

1 following the school year in which he or she received the grant if the person satisfies
2 all of the following requirements:

3 **SECTION 2652.** 115.42 (2) (a) and (b) of the statutes are renumbered 115.42 (2)
4 (a) 1. and 2.

5 **SECTION 2653.** 115.42 (2) (bL) of the statutes is created to read:

6 115.42 (2) (bL) The department shall award the grants under this subsection
7 annually, one grant in each of the school years following the school year in which the
8 grant under sub. (1) was awarded and in which the person satisfies the requirements
9 under par. (a).

10 **SECTION 2654.** 115.42 (2) (c) of the statutes is repealed.

11 **SECTION 2655.** 115.42 (2) (d) of the statutes is renumbered 115.42 (2) (a) 4.

12 **SECTION 2656.** 115.425 (5) of the statutes, as affected by 1999 Wisconsin Act
13 32, is amended to read:

14 115.425 (5) Propose to the state superintendent standards and procedures for
15 limiting, suspending, or revoking a teaching license.

16 **SECTION 2657.** 115.43 (2) (d) of the statutes is created to read:

17 115.43 (2) (d) The state superintendent shall submit a report on the
18 effectiveness of the program under this section to the governor and to the legislature
19 under s. 13.172 (2). The state superintendent shall include in the report the number
20 of students who both participated in the program under this section and graduated
21 from a University of Wisconsin System institution, a technical college located in this
22 state, or a private educational institution located in this state that awards a
23 bachelor's or higher degree or provides a program that is acceptable for credit toward
24 such a degree.

25 **SECTION 2658.** 115.46 (3) (e) of the statutes is amended to read:

SENATE BILL 55**SECTION 2658**

1 115.46 (3) (e) The certification or other acceptance of a person who has been
2 accepted pursuant to the terms of a contract shall not be revoked or otherwise
3 impaired because the contract has expired or been terminated. However, any
4 certificate or other qualifying document may be revoked, limited, or suspended on
5 any ground which would be sufficient for revocation or suspension of a certificate or
6 other qualifying document initially granted or approved in the receiving state.

7 **SECTION 2659.** 115.77 (3) of the statutes is amended to read:

8 115.77 (3) Any state ~~or federal~~ aid that is made available to a local educational
9 agency for special education and related services ~~shall~~ may be used by the local
10 educational agency only to comply with this subchapter or for the purposes, specified
11 in 20 USC 1413 (a), (f), or (g).

12 **SECTION 2660.** 115.77 (4) (d) of the statutes is repealed.

13 **SECTION 2661.** 115.78 (2) (c) of the statutes is repealed.

14 **SECTION 2662.** 115.782 (2) (e) of the statutes is amended to read:

15 115.782 (2) (e) Each ~~individualized education program team participant person~~
16 who administers tests, assessments or other evaluation materials as part of an
17 evaluation or reevaluation of a child under this section shall prepare and make
18 available to all ~~team participants~~ persons who are participating in the evaluation of
19 the child, at a ~~team~~ meeting, a written summary of the ~~participant's~~ person's findings
20 that will assist with program planning.

21 **SECTION 2663.** 115.782 (3) (b) of the statutes is amended to read:

22 115.782 (3) (b) If the individualized education program team determines that
23 a child is a child with a disability, the team shall prepare an evaluation report that
24 includes documentation of determination of eligibility. The local educational agency
25 shall give a copy of the evaluation report to the child's parents. The local educational

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1 agency shall also ask each individualized education program team participant if he
2 or she wants a copy of the evaluation report or additional time before the
3 individualized education program team develops the child's individualized
4 education program. If any individualized education program team participant
5 requests a copy of the evaluation report at any point in the process of developing the
6 child's individualized education program or considering the child's educational
7 placement, the local educational agency shall give a copy of the report to each
8 individualized education program team participant before continuing with the
9 process. ~~If no individualized education program team participant requests a copy of~~
10 ~~the evaluation report, the local educational agency shall give a copy to the child's~~
11 ~~parents with the notice of placement under s. 115.792 (2).~~

12 **SECTION 2664.** 115.782 (3) (c) of the statutes is amended to read:

13 115.782 (3) (c) If the individualized education program team determines that
14 a child is not a child with a disability, the team shall prepare an evaluation report.
15 The report shall identify any educational needs of the child and any services offered
16 by the local educational agency from which the child may benefit and shall include
17 information about any programs and services, other than those offered by the local
18 educational agency, that may benefit the child. The local educational agency shall
19 give a copy of the evaluation report to the child's parents ~~with the notice under s.~~
20 ~~115.792 (1) (b).~~

21 **SECTION 2665.** 115.782 (4) (a) (intro.) of the statutes is amended to read:

22 115.782 (4) (a) (intro.) A local educational agency shall ~~ensure that the~~
23 ~~individualized education program team does~~ do all of the following:

24 **SECTION 2666.** 115.787 (2) (g) 1. of the statutes is amended to read:

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1 115.787 (2) (g) 1. Beginning when the child attains the age of 14, and annually
2 thereafter until the child is no longer eligible for special education and related
3 services, a statement of the transition services needed by the child, identifying the
4 courses of study needed to prepare the child for a successful transition to his or her
5 goals for life after secondary school, such as participation in advanced placement
6 courses or a vocational education program.

7 **SECTION 2667.** 115.88 (2) of the statutes is amended to read:

8 115.88 (2) TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)
9 the state superintendent is satisfied that the transportation of children with
10 disabilities has been maintained during the preceding year in accordance with the
11 law, the state superintendent shall certify to the department of administration in
12 favor of each county, cooperative educational service agency, or school district
13 transporting such pupils an amount equal to the amount expended for such
14 transportation as costs eligible for reimbursement from the ~~appropriations~~
15 appropriation under s. 20.255 (2) (b) and ~~(br)~~. Pupils for whom aid is paid under this
16 subsection shall not be eligible for aid under s. 121.58 (2) or (4). This subsection
17 applies to any child with a disability who requires special assistance in
18 transportation, including any such child attending regular classes who requires
19 special or additional transportation. This subsection does not apply to any child with
20 a disability attending regular or special classes who does not require any special or
21 additional transportation.

22 **SECTION 2668.** 115.88 (8m) of the statutes is created to read:

23 115.88 (8m) SUPPLEMENTAL AID. (a) If an operator of a charter school
24 established under s. 118.40 (2r), a school district, a county, or a cooperative
25 educational service agency incurs special education costs for a pupil that equal or

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1 exceed \$50,000, the department shall, beginning in the 2002-03 school year,
2 reimburse the operator, school district, county, or cooperative educational service
3 agency from the appropriation under s. 20.255 (2) (b) an amount calculated as
4 follows:

5 1. For each special education pupil, determine the amount of aidable costs
6 under subs. (1) to (6) and (8) in the previous school year.

7 2. Subtract from the amount under subd. 1. the amount of aid paid under this
8 section for those costs.

9 3. Subtract \$50,000 from the result under subd. 2.

10 4. Multiply the result under subd. 3. by 0.50.

11 (b) An operator, school district, county, or cooperative educational service
12 agency seeking aid under this subsection shall submit a claim for aid to the
13 department no later than September 1 of the school year following the school year
14 in which the costs were incurred.

15 **SECTION 2669.** 115.882 of the statutes is renumbered 115.882 (1) and amended
16 to read:

17 **115.882 Payment of state aid.** (1) Funds appropriated under s. 20.255 (2)
18 (b) shall be used first for the ~~purpose~~ purposes of s. 115.88 (4) and (8m). ~~Costs Except~~
19 as provided under sub. (2), costs eligible for reimbursement from the ~~appropriations~~
20 appropriation under s. 20.255 (2) (b) ~~and (b)~~ under ss. 115.88 (1m) to (3), (6), and (8),
21 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
22 appropriated for reimbursement for such costs, not to exceed 100%.

23 **SECTION 2670.** 115.882 (2) of the statutes is created to read:

24 115.882 (2) (a) In this subsection:

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1 1. "Eligible charter school" means a charter school established under s. 118.40
2 (2r) that is receiving state aid under sub. (1).

3 2. "Eligible school district" means a school district that is receiving state aid
4 under sub. (1).

5 3. "Membership" has the meaning given in s. 121.004 (5).

6 (b) Beginning in the 2001-02 school year, the department shall distribute to
7 eligible school districts and eligible charter schools, in the manner described in pars.
8 (c) and (d), the following portion of the amount appropriated under s. 20.255 (2) (b):

9 1. In the 2001-02 school year, \$10,000,000.

10 2. In the 2002-03 school year, an amount equal to 5% of the amount
11 appropriated under s. 20.255 (2) (b).

12 3. In the 2003-04 school year and in each school year thereafter, an amount
13 equal to 10% of the amount appropriated under s. 20.255 (2) (b).

14 (c) An amount equal to 85% of the total amount distributed under this
15 subsection each school year shall be distributed as follows:

16 1. Divide the eligible school district's membership, or the number of pupils
17 attending the eligible charter school, by the sum of the memberships of all eligible
18 school districts and the number of pupils attending all eligible charter schools.

19 2. Multiply the quotient under subd. 1. by the appropriate amount specified or
20 determined under par. (b).

21 (d) An amount equal to 15% of the total amount distributed under this
22 subsection each school year shall be distributed as follows:

23 1. Divide the number of pupils included in the eligible school district's
24 membership, or the number of pupils attending the eligible charter school, that are

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1 eligible for a free or reduced-price lunch under 42 USC 1758 by the sum of all such
2 pupils in all eligible school districts and charter schools.

3 2. Multiply the quotient under subd. 1. by the appropriate amount specified or
4 determined under par. (b).

5 **SECTION 2671.** 115.898 of the statutes is renumbered 115.898 (1).

6 **SECTION 2672.** 115.898 (2) of the statutes is created to read:

7 115.898 (2) To the extent practicable, the state superintendent shall ensure
8 that all rules promulgated under the authority of this subchapter are identical to the
9 federal regulations adopted under the authority of 20 USC 1400 to 1487.

10 **SECTION 2673.** 115.97 (2) of the statutes is amended to read:

11 115.97 (2) If, in a language group under s. 115.96 (1), there are 10 or more
12 limited-English proficient pupils in kindergarten to grade 3 in attendance at a
13 particular elementary school and whose parents or legal custodians give written
14 consent to such pupils' placement under s. 115.96 (3), the school board shall establish
15 a bilingual-bicultural education program for such pupils during the school term.
16 ~~Such program shall be taught by a bilingual teacher.~~

17 **SECTION 2674.** 115.97 (3) of the statutes is amended to read:

18 115.97 (3) If, in a language group under s. 115.96 (1), there are 20 or more
19 limited-English proficient pupils in grades 4 to 8 in attendance at a particular
20 elementary, middle or junior high school and whose parents or legal custodians give
21 written consent to such pupils' placement under s. 115.96 (3), the school board shall
22 establish a bilingual-bicultural education program for such pupils during the school
23 term. ~~Such program shall be taught by a bilingual teacher.~~

24 **SECTION 2675.** 115.97 (5) (a) (intro.) of the statutes is amended to read:

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1 115.97 (5) (a) (intro.) Except as provided under par. (b), if a school board is
2 required to establish a bilingual-bicultural education program under sub. (2), (3) or
3 (4), but bilingual teachers for the language groups are unavailable, the program may
4 be taught by certified teachers of English as a 2nd language upon receipt of approval
5 of the state superintendent. The state superintendent may approve a program under
6 this paragraph only if the school board demonstrates all of the following:

7 **SECTION 2676.** 116.12 of the statutes is created to read:

8 **116.12 Grants to develop services for school districts.** A board of control
9 or a consortium of 2 or more boards of control may apply to the department for a grant
10 to fund the development, for school districts, of education services that are unrelated
11 to instruction. As a condition of receiving a grant, a board of control or a consortium
12 shall provide matching funds in an amount equal to at least 50% of the amount of
13 the grant. A grant may not exceed \$300,000. The department shall award grants
14 from the appropriation under s. 20.255 (2) (fh). The department shall promulgate
15 rules to implement and administer this section.

16 **SECTION 2677.** 117.20 (2) of the statutes is amended to read:

17 117.20 (2) The clerk of each affected school district shall publish notice, as
18 required under s. 8.55, in the territory of that school district. The procedures for
19 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a
20 referendum held under this section. The school board and school district clerk of each
21 affected school district shall each perform, for that school district, the functions
22 assigned to the school board and the school district clerk, respectively, under those
23 subsections. The form of the ballot shall correspond to the form prescribed by the
24 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school
25 district shall file with the secretary of the board a certified statement prepared by

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1 the school district board of canvassers of the results of the referendum in that school
2 district.

3 **SECTION 2678.** 117.25 (1) (e) of the statutes is created to read:

4 117.25 (1) (e) For 60 days after the effective date, the school district
5 administrator of the new school district may lay off or reassign school district
6 employees without regard to seniority in service.

7 **SECTION 2679.** 118.045 (3) of the statutes is amended to read:

8 118.045 (3) A school board may commence the school term before September
9 1 in any school year if it holds a public hearing on the issue after April 30 of the
10 previous school year and adopts a resolution to that effect ~~in that school year~~.

11 **SECTION 2680.** 118.19 (3) (a) of the statutes is amended to read:

12 118.19 (3) (a) No license to teach in any public school may be issued unless the
13 applicant possesses a bachelor's degree including such professional training as the
14 department by rule requires, except as permitted under par. (b), subs. (13) and (14),
15 and ss. 115.28 (17) (a) and 118.192. Notwithstanding s. 36.11 (16), no teacher
16 preparatory program in this state may be approved by the state superintendent
17 under s. 115.28 (7) (a), unless each student in the program is required to complete
18 student teaching consisting of full days for a full semester following the daily
19 schedule and semester calendar of the cooperating school. ~~No~~ Except as provided in
20 subs. (13) and (14), no license to teach in any public school may be granted to an
21 applicant who completed a professional training program outside this state unless
22 the applicant completed student teaching consisting of full days for a full semester
23 following the daily schedule and semester calendar of the cooperating school or the
24 equivalent, as determined by the state superintendent. The state superintendent
25 may grant exceptions to the student teaching requirements under this paragraph

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1 when the midyear calendars of the institution offering the teacher preparatory
2 program and the cooperating school differ from each other and would prevent
3 students from attending classes at the institution in accordance with the
4 institution's calendar. The state superintendent shall promulgate rules to
5 implement this subsection.

6 **SECTION 2681.** 118.19 (4) (a) of the statutes is amended to read:

7 118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
8 may not grant a license to any person who has been convicted of any Class A, B, C,
9 or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of an equivalent
10 crime in another state or country, for a violation that occurs on or after September
11 12, 1991, but before the effective date of this paragraph [revisor inserts date], for
12 6 years following the date of the conviction, and may grant the license only if the
13 person establishes by clear and convincing evidence that he or she is entitled to the
14 license.

15 **SECTION 2682.** 118.19 (4) (am) of the statutes is created to read:

16 118.19 (4) (am) Notwithstanding subch. II of ch. 111, the state superintendent
17 may not grant a license to any person who has been convicted of any Class A, B, BC,
18 C, or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of a
19 substantially similar crime in another state or country, for a violation that occurs on
20 or after the effective date of this paragraph [revisor inserts date], for 6 years
21 following the date of the conviction, and may grant the license only if the person
22 establishes by clear and convincing evidence that he or she is entitled to the license.

23 **SECTION 2683.** 118.19 (4) (b) of the statutes is amended to read:

24 118.19 (4) (b) Notwithstanding ~~par.~~ pars. (a) and (am), the state
25 superintendent shall grant a license to a person convicted of a crime described under

SENATE BILL 55**SECTION 2683**

1 par. (a) or (am), prior to the expiration of the 6-year period following the conviction,
2 if the conviction is reversed, set aside, or vacated.

3 **SECTION 2684.** 118.19 (4m) of the statutes is amended to read:

4 118.19 (4m) The Except as provided in subs. (13) and (14), the state
5 superintendent may not issue or renew a license to teach the visually impaired
6 unless the applicant demonstrates, based on criteria established by the state
7 superintendent by rule, that he or she is proficient in reading and writing braille and
8 in teaching braille. In promulgating rules under this subsection, the state
9 superintendent shall take into consideration the standard used by the librarian of
10 congress for certifying braille transcribers.

11 **SECTION 2685.** 118.19 (6) of the statutes is amended to read:

12 118.19 (6) In granting ~~certificates or~~ licenses for the teaching of courses in
13 economics, social studies, or agriculture, adequate instruction in cooperative
14 marketing and consumers' cooperatives shall be required. In granting ~~certificates~~
15 ~~or~~ licenses for the teaching of courses in science or social studies, adequate
16 instruction in the conservation of natural resources shall be required. This
17 subsection does not apply to a license granted under sub. (13) or (14).

18 **SECTION 2686.** 118.19 (7) of the statutes is amended to read:

19 118.19 (7) ~~No certificate or~~ Except as provided in subs. (13) and (14), no license
20 to teach industrial arts subjects may be issued unless the applicant has had 3 years
21 of practical experience beyond apprenticeship or 4 years of institutional training in
22 such subjects. ~~For purposes of salary schedules and promotion, any person teaching~~
23 ~~an industrial arts subject on January 1, 1936, who had 5 years of practical or teaching~~
24 ~~experience in such subject shall be deemed to have the equivalent of a bachelor's~~
25 ~~degree.~~

SENATE BILL 55**SECTION 2687**

1 **SECTION 2687.** 118.19 (8) of the statutes is amended to read:

2 118.19 (8) The Except as provided in subs. (13) and (14), the state
3 superintendent may not grant to any person a license to teach unless the person has
4 received instruction in the study of minority group relations, including instruction
5 in the history, culture, and tribal sovereignty of the federally recognized American
6 Indian tribes and bands located in this state.

7 **SECTION 2688.** 118.19 (9) (a) (intro.) of the statutes is amended to read:

8 118.19 (9) (a) (intro.) Except as provided in par. (b) and subs. (13) and (14), the
9 state superintendent may not issue an initial teaching license, school district
10 administrator's license, or school administrator's license unless the applicant has
11 demonstrated competency in all of the following:

12 **SECTION 2689.** 118.19 (10) (f) of the statutes is amended to read:

13 118.19 (10) (f) The state superintendent shall keep confidential all information
14 received under this subsection from the department of justice or the federal bureau
15 of investigation. Except as provided in par. pars. (g) and (h), such information is not
16 subject to inspection or copying under s. 19.35.

17 **SECTION 2690.** 118.19 (10) (h) of the statutes is created to read:

18 118.19 (10) (h) At the request of an educational agency and upon receiving
19 signed consent from the employee or applicant, the state superintendent shall
20 release to the educational agency the results of a background investigation under
21 this subsection if the background investigation concerns a person who is employed
22 by the educational agency or who is applying for a position with the educational
23 agency. The educational agency shall keep confidential all information released
24 under this paragraph.

25 **SECTION 2691.** 118.19 (12) of the statutes is amended to read:

SENATE BILL 55**SECTION 2691**

1 118.19 (12) ~~Beginning~~ Except as provided in subs. (13) and (14), beginning on
2 July 1, 1998, the department may not issue or renew a license that authorizes the
3 holder to teach reading or language arts to pupils in any prekindergarten class or in
4 any of the grades from kindergarten to 6 unless the applicant has successfully
5 completed instruction preparing the applicant to teach reading and language arts
6 using appropriate instructional methods, including phonics. The phonics
7 instruction need not be provided as a separate course. In this subsection, "phonics"
8 means a method of teaching beginners to read and pronounce words by learning the
9 phonetic value of letters, letter groups, and syllables.

10 **SECTION 2692.** 118.19 (13) of the statutes is created to read:

11 118.19 (13) (a) Upon request by a school board, the department shall grant a
12 temporary initial teaching license to any person who satisfies all of the requirements
13 for an initial teaching license other than the educational requirements if the school
14 board states in its request that it intends to employ the person as a teacher and that
15 at least one of the following apply:

16 1. The person has a bachelor's degree from an accredited institution of higher
17 education in a field related to the subject that he or she will teach.

18 2. The person has at least 5 years of practical or teaching experience in a field
19 related to the subject that he or she will teach.

20 3. The person served in the U.S. armed forces or in forces incorporated as part
21 of the U.S. armed forces for at least 5 consecutive years, was discharged under
22 conditions other than dishonorable, and has practical or teaching experience in a
23 field related to the subject that he or she will teach.

24 (b) If the board intends to employ the person as a teacher in grades
25 kindergarten to 5, the requirement under par. (a) 1. and 2. is satisfied if the person

SENATE BILL 55**SECTION 2692**

1 has a bachelor's degree or at least 5 years of practical or teaching experience in a field
2 related to mathematics, English, social studies, or science.

3 (c) A temporary license granted under par. (a) is valid for 2 years and may not
4 be renewed. If a person who has been granted a temporary license under par. (a)
5 completes an alternative teacher training program approved by the department
6 before the expiration of the temporary license, the department shall grant an initial
7 teaching license to the person that shall be considered retroactively effective to the
8 date that the temporary license was granted. The department may not approve an
9 alternative teacher training program for the purposes of this paragraph unless it
10 consists of at least 100 hours of instruction over the course of no more than 2 years.

11 **SECTION 2693.** 118.19 (14) of the statutes is created to read:

12 118.19 (14) Subject to subs. (1m), (1r), (1s), (4), and (10), the department shall
13 do all of the following:

14 (a) Except as provided in par. (b), grant an initial teacher's license to any person
15 who holds a valid license as a teacher issued by another state.

16 (b) If the department establishes different levels of teacher licensure under s.
17 115.29 (6), grant the highest level of teacher's license to any person who holds a valid
18 license as a teacher issued by another state and is certified by the National Board
19 for Professional Teaching Standards.

20 **SECTION 2694.** 118.245 (3) of the statutes is amended to read:

21 118.245 (3) No school district may provide to its nonrepresented professional
22 employees for any 12-month period ending on June 30 an average increase for all
23 such employees in the total cost to the school district of compensation and fringe
24 benefits for such employees having an average cost per employee exceeding 3.8% of
25 the average total cost per employee of compensation and fringe benefits provided by

SENATE BILL 55**SECTION 2694**

1 the school district to its nonrepresented professional employees for the preceding
2 12-month period ending on June 30 or the average total percentage increased cost
3 per employee of compensation and fringe benefits provided to its represented
4 professional employees during the 12-month period ending on June 30 preceding the
5 date that the increase becomes effective, whichever is greater. For purposes of this
6 subsection, ~~the~~:

7 (a) The average total percentage increased cost per employee of the
8 compensation provided by a school district to its represented professional employees
9 shall be determined in accordance with the method prescribed by the employment
10 relations commission under s. 111.70 (4) (cm) 8s.

11 **SECTION 2695.** 118.245 (3) (b) of the statutes is created to read:

12 118.245 (3) (b) Any compensation received by nonrepresented professional
13 employees from a grant under s. 115.415 shall not be subject to the limitation under
14 this subsection.

15 **SECTION 2696.** 118.30 (1) of the statutes is renumbered 118.30 (1d) and
16 amended to read:

17 118.30 (1d) (a) The ~~state superintendent~~ board shall adopt or approve
18 examinations designed to measure pupil attainment of knowledge and concepts in
19 the 4th, 8th and 10th grades.

20 (b) The ~~department~~ board shall develop a high school graduation examination
21 that is designed to measure whether pupils meet the pupil academic standards
22 issued by the governor as executive order no. 326, dated January 13, 1998.

23 **SECTION 2697.** 118.30 (1b) of the statutes is created to read:

24 118.30 (1b) In this section, "board" means the board on education evaluation
25 and accountability.

SENATE BILL 55**SECTION 2698**

1 **SECTION 2698.** 118.30 (1g) (b) of the statutes is amended to read:

2 118.30 **(1g)** (b) Each school board operating high school grades and each
3 operator of a charter school under s. 118.40 (2r) that operates high school grades shall
4 adopt a high school graduation examination that is designed to measure whether
5 pupils meet the pupil academic standards adopted by the school board or operator
6 of the charter school under par. (a). If the school board or operator of the charter
7 school has adopted the pupil academic standards issued as executive order no. 326,
8 dated January 13, 1998, the school board or operator of the charter school may adopt
9 the high school graduation examination developed by the ~~department~~ board under
10 sub. ~~(1)~~ (1d) (b). If a school board or operator of a charter school develops and adopts
11 its own high school graduation examination, it shall notify the ~~department~~ board
12 annually by October 1 that it intends to administer the examination in the following
13 school year.

14 **SECTION 2699.** 118.30 (1g) (c) of the statutes is amended to read:

15 118.30 **(1g)** (c) Each school board operating elementary grades and each
16 operator of a charter school under s. 118.40 (2r) that operates elementary grades may
17 develop or adopt its own examination designed to measure pupil attainment of
18 knowledge and concepts in the 4th grade and may develop or adopt its own
19 examination designed to measure pupil attainment of knowledge and concepts in the
20 8th grade. If the school board or operator of the charter school develops or adopts an
21 examination under this paragraph, it shall notify the ~~department~~ board.

22 **SECTION 2700.** 118.30 (1m) (a) of the statutes is amended to read:

23 118.30 **(1m)** (a) 1. Except as provided in sub. (6), administer the 4th grade
24 examination adopted or approved by the state superintendent under sub. (1) to all
25 pupils enrolled in the school district, including pupils enrolled in charter schools

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1 located in the school district, in the 4th grade. ~~Beginning on July 1, 2002, if the~~
2 ~~school board has not developed and adopted its own 4th grade examination, the~~
3 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
4 ~~examination administered under this subdivision.~~

5 2. Beginning on July 1, 2002, if the school board has developed or adopted its
6 own 4th grade examination, administer that examination to all pupils enrolled in the
7 school district, including pupils enrolled in charter schools located in the school
8 district, in the 4th grade. ~~The school board shall provide a pupil with at least 2~~
9 ~~opportunities to take the examination administered under this subdivision.~~

10 **SECTION 2701.** 118.30 (1m) (a) 1. of the statutes, as affected by 2001 Wisconsin
11 Act (this act), is amended to read:

12 118.30 **(1m)** (a) 1. Except as provided in sub. (6), administer the 4th grade
13 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)
14 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
15 schools located in the school district, in the 4th grade.

16 **SECTION 2702.** 118.30 (1m) (am) of the statutes is amended to read:

17 118.30 **(1m)** (am) 1. Except as provided in sub. (6), administer the 8th grade
18 examination adopted or approved by the state superintendent under sub. (1) to all
19 pupils enrolled in the school district, including pupils enrolled in charter schools
20 located in the school district, in the 8th grade. ~~Beginning on July 1, 2002, if the~~
21 ~~school board has not developed and adopted its own 8th grade examination, the~~
22 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
23 ~~examination administered under this subdivision.~~

24 2. Beginning on July 1, 2002, if the school board has developed or adopted its
25 own 8th grade examination, administer that examination to all pupils enrolled in the

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1 school district, including pupils enrolled in charter schools located in the school
2 district, in the 8th grade. ~~The school board shall provide a pupil with at least 2~~
3 ~~opportunities to take the examination administered under this subdivision.~~

4 **SECTION 2703.** 118.30 (1m) (am) 1. of the statutes, as affected by 2001
5 Wisconsin Act (this act), is amended to read:

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

10 **SECTION 2704.** 118.30 (1r) (a) of the statutes is amended to read:

11 118.30 **(1r)** (a) 1. Except as provided in sub. (6), administer the 4th grade
12 examination adopted or approved by the state superintendent under sub. (1) (a) to
13 all pupils enrolled in the charter school in the 4th grade. ~~Beginning on July 1, 2002,~~
14 ~~if the operator of the charter school has not developed or adopted its own 4th grade~~
15 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
16 ~~opportunities to take the examination administered under this subdivision.~~

17 2. Beginning on July 1, 2002, if the operator of the charter school has developed
18 or adopted its own 4th grade examination, administer that examination to all pupils
19 enrolled in the charter school in the 4th grade. ~~The operator of the charter school~~
20 ~~shall provide a pupil with at least 2 opportunities to take the examination~~
21 ~~administered under this subdivision.~~

22 **SECTION 2705.** 118.30 (1r) (a) 1. of the statutes, as affected by 2001 Wisconsin
23 Act (this act), is amended to read:

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1 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
2 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)
3 (1d) (a) to all pupils enrolled in the charter school in the 4th grade.

4 **SECTION 2706.** 118.30 (1r) (am) of the statutes is amended to read:

5 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
6 examination adopted or approved by the state superintendent under sub. (1) (a) to
7 all pupils enrolled in the charter school in the 8th grade. ~~Beginning on July 1, 2002,~~
8 ~~if the operator of the charter school has not developed and adopted its own 8th grade~~
9 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
10 ~~opportunities to take the examination administered under this subdivision.~~

11 2. Beginning on July 1, 2002, if the operator of the charter school has developed
12 or adopted its own 8th grade examination, administer that examination to all pupils
13 enrolled in the charter school in the 8th grade. ~~The operator of the charter school~~
14 ~~shall provide a pupil with at least 2 opportunities to take the examination~~
15 ~~administered under this subdivision.~~

16 **SECTION 2707.** 118.30 (1r) (am) 1. of the statutes, as affected by 2001 Wisconsin
17 Act (this act), is amended to read:

18 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
19 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)
20 (1d) (a) to all pupils enrolled in the charter school in the 8th grade.

21 **SECTION 2708.** 118.30 (1s) of the statutes is created to read:

22 118.30 (1s) (a) Annually, by September 15, the governing body of each private
23 school participating in the program under s. 119.23 shall notify the board whether
24 it will administer the examinations under par. (b) or (c) or both in the current school
25 year.

SENATE BILL 55**SECTION 2708**

1 (b) If the private school notifies the board that it will administer the
2 examinations under this paragraph, the private school shall do all of the following:

3 1. Administer a standardized reading test developed by the board to all pupils
4 attending the 3rd grade in the private school under s. 119.23.

5 2. Administer the 4th grade examination adopted or approved by the board
6 under sub. (1d) (a) to all pupils attending the 4th grade in the private school under
7 s. 119.23.

8 3. Administer the 8th grade examination adopted or approved by the board
9 under sub. (1d) (a) to all pupils attending the 8th grade in the private school under
10 s. 119.23.

11 4. Administer the 10th grade examination adopted or approved by the board
12 under sub. (1d) (a) to all pupils attending the 10th grade in the private school under
13 s. 119.23.

14 (c) If the private school notifies the board that it will administer the
15 examination under this paragraph, beginning in the 2002-03 school year the private
16 school shall administer the high school graduation examination developed by the
17 board under sub. (1d) (b) to all pupils attending the 11th and 12th grades at the
18 private school under s. 119.23. The governing body of the private school shall
19 administer the examination at least twice each school year and may administer the
20 examination only to pupils attending the 11th and 12th grades.

21 **SECTION 2709.** 118.30 (2) (b) 1. of the statutes is amended to read:

22 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
23 subch. V of ch. 115, the school board ~~or~~, operator of ~~the~~ a charter school under s. 118.40
24 (2r), or governing body of a private school participating in the program under s.

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1 119.23 and administering any of the examinations under sub. (1s), shall comply with
2 s. 115.77 (1m) (bg).

3 **SECTION 2710.** 118.30 (2) (b) 2. of the statutes is amended to read:

4 118.30 (2) (b) 2. According to criteria established by the ~~state superintendent~~
5 board by rule, the school board ~~or~~ operator of ~~the a~~ charter school under s. 118.40 (2r),
6 or governing body of a private school participating in the program under s. 119.23
7 may determine not to administer an examination under this section to a
8 limited-English proficient pupil, as defined under s. 115.955 (7), may permit the
9 pupil to be examined in his or her native language, or may modify the format and
10 administration of an examination for such pupils.

11 **SECTION 2711.** 118.30 (2) (b) 5. of the statutes is created to read:

12 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
13 body of a private school participating in the program under s. 119.23 shall excuse the
14 pupil from taking an examination administered under sub. (1s) (b) 2. to 4. or (c).

15 **SECTION 2712.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and
16 amended to read:

17 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~
18 allow a person to view an examination required to be administered under this section
19 if the person submits to the state superintendent a written request to do so within
20 90 days after the date of administration, ~~any of the~~ examination required to be
21 administered under this section. This subsection paragraph does not apply while the
22 an examination is being developed or validated.

23 **SECTION 2713.** 118.30 (3) (a) of the statutes, as affected by 2001 Wisconsin Act
24 (this act), is amended to read:

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1 118.30 (3) (a) The ~~state superintendent~~ board shall allow a person to view an
2 examination required to be administered under this section if the person submits to
3 the ~~state superintendent~~ board a written request to do so within 90 days after the
4 date of administration of the examination. This paragraph does not apply while an
5 examination is being developed or validated.

6 **SECTION 2714.** 118.30 (3) (b) of the statutes is created to read:

7 118.30 (3) (b) The state superintendent shall promulgate rules establishing
8 procedures to administer par. (a). To the extent feasible, the rules shall protect the
9 security and confidentiality of the examinations required to be administered under
10 this section.

11 **SECTION 2715.** 118.30 (3) (b) of the statutes, as created by 2001 Wisconsin Act
12 (this act), is amended to read:

13 118.30 (3) (b) The ~~state superintendent~~ board shall promulgate rules
14 establishing procedures to administer par. (a). To the extent feasible, the rules shall
15 protect the security and confidentiality of the examinations required to be
16 administered under this section.

17 **SECTION 2716.** 118.30 (4) of the statutes is amended to read:

18 118.30 (4) The department board shall study the utility of administering
19 technology-based performance assessments to pupils.

20 **SECTION 2717.** 118.30 (6) of the statutes is amended to read:

21 118.30 (6) A school board and an operator of a charter school under s. 118.40
22 (2r) is not required to administer the 4th and 8th grade examinations adopted or
23 approved by the ~~state superintendent~~ board under sub. (1) (1d) if the school board
24 or the operator of the charter school administers its own 4th and 8th grade
25 examinations, the school board or operator of the charter school provides the state

SENATE BILL 55**SECTION 2717**

1 superintendent board with statistical correlations of those examinations with the
2 examinations adopted or approved by the state superintendent board under sub. (1)
3 (1d), and the federal department of education approves.

4 **SECTION 2718.** 118.30 (7) of the statutes is created to read:

5 118.30 (7) (a) The board shall provide the examinations administered under
6 sub. (1s) and score the examinations free of charge.

7 (b) The board may not disclose the results of the examinations administered
8 under sub. (1s) except as follows:

9 1. The board shall publish the aggregate results of all of the examinations
10 provided to the board.

11 2. The board shall report each pupil's scores to the pupil's parent or guardian.

12 **SECTION 2719.** 118.38 (1) (a) 7. of the statutes is amended to read:

13 118.38 (1) (a) 7. ~~Licensure or certification~~ Certification under s. 115.28 (7) or
14 (7m) ~~other than the licensure of the school district administrator or business~~
15 ~~manager.~~

16 **SECTION 2720.** 118.38 (1) (a) 8. of the statutes is created to read:

17 118.38 (1) (a) 8. The school performance report under s. 115.38.

18 **SECTION 2721.** 118.39 of the statutes is created to read:

19 **118.39 School districts with expanded flexibility. (1)** A school board may,
20 by October 15 of an even-numbered year, apply to the department to have its school
21 district designated as a school district with expanded flexibility if all of the following
22 are true:

23 (a) For the 2 preceding school years, the percentage of pupils enrolled in the
24 school district who took each assessment administered under ss. 118.30 (1m) (a) and
25 (am) and 121.02 (1) (r) and whose score on each assessment administered under ss.

SENATE BILL 55**SECTION 2721**

1 118.30 (1m) (a) and (am) and 121.02 (1) (r) was at the proficient level or above was
2 at least equal to the statewide average. This paragraph does not apply to a union
3 high school district.

4 (b) For the 2 preceding school years, the percentage of pupils enrolled in the
5 school district who took the assessment under s. 118.30 (1m) (b) and whose score on
6 the assessment was at the proficient level or above was at least equal to the statewide
7 average. This paragraph does not apply to the underlying elementary school district
8 of a union high school district.

9 (c) Beginning in the 2004-05 school year, for the 2 preceding school years, the
10 percentage of pupils enrolled in the school district who took and passed the high
11 school graduation examination administered under ss. 118.30 (1m) (d) equaled or
12 exceeded the statewide average. This paragraph does not apply to the underlying
13 elementary school district of a union high school district.

14 (d) For the 2 preceding school years, the school district's attendance rate at
15 least equaled the statewide average attendance rate.

16 (e) For the 2 preceding school years, the school district's high school graduation
17 rate at least equaled the statewide average high school graduation rate. This
18 paragraph does not apply to the underlying elementary school district of a union high
19 school district.

20 **(2)** Beginning on July 1 of an odd-numbered year, the department shall
21 designate a school district that applied for designation and met the criteria under
22 sub. (1) as a school district with expanded flexibility. A school district retains the
23 designation of expanded flexibility for 4 school years unless it fails to satisfy the
24 requirements under sub. (3) and may reapply for the designation. In considering a

SENATE BILL 55**SECTION 2721**

1 reapplication, the department shall consider the school district's success in achieving
2 the goals under sub. (3) (d).

3 **(3)** A school district with expanded flexibility shall do all of the following:

4 (a) Allocate 85% of school district revenues, including federal revenues, for use
5 by principals at their respective schools.

6 (b) Ensure that at least 95% of the pupils in the school district who are eligible
7 takes the assessments and high school graduation examination under s. 118.30 (1m).

8 (c) Allow the pupil's parent or guardian to choose the school in which to enroll
9 the pupil if there are at least 2 schools that offer the appropriate grade for the pupil.

10 (d) Ensure that each school in the school district prepares an annual plan that
11 includes performance goals for all pupils, for minority group pupils, for low-income
12 pupils, and for teachers.

13 (e) By July 1 of the calendar year following application under sub. (1), submit
14 to the department a written policy specifying how the school district will comply with
15 pars. (a) and (c).

16 **(4)** A school district with expanded flexibility may do all of the following:

17 (a) Create school governance councils, a majority of whose members are parents
18 of pupils enrolled in the school district, to advise school principals.

19 (b) Reassign staff members of schools in the school district without regard to
20 seniority in service.

21 **(5)** A school district with expanded flexibility, and, where appropriate, its
22 employees, are exempt from the requirements and free from the prohibitions of ss.

23 118.015 (2) to (4), 118.017 (1), 118.019 (2), (3), and (5), 118.02, 118.03 (1), 118.153 (2)
24 (a), 118.162, 118.18, 118.22, 118.258, 118.33 (1) (b), 118.34 (1) and (3), 118.35 (3),

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1 119.71, 119.73, 119.74, 119.75, 119.78, 120.125, and 121.02 (1) (b), (d), (e), (f) 1., (h),
2 (j) to (n), (q), and (t).

3 (6) (a) By November 15 of each even-numbered year, the department shall
4 identify which school districts are eligible to receive the designation of expanded
5 flexibility.

6 (b) From the appropriation under s. 20.255 (2) (fr), the department shall, in the
7 school year of identification under par. (a), award grants on a competitive basis to
8 school districts identified under par. (a) to help implement school district
9 decentralization plans, including training and providing technical assistance to
10 teachers to prepare them to work in decentralized school districts, meeting the
11 requirements under sub. (3), and creating school governance councils under sub. (4)
12 (a). The amount of a grant under this paragraph may not exceed \$7,500 multiplied
13 by the number of schools in the school district or \$100,000, whichever is less. A grant
14 recipient under this paragraph may spend the grant moneys during the school year
15 the grant is awarded and during the following school year.

16 (c) From the appropriation under s. 20.255 (2) (fs), the department shall, in the
17 school year of identification under par. (a), award grants on a competitive basis to
18 individual school districts identified under par. (a), to consortia consisting of 2 or
19 more school districts identified under par. (a), or to consortia consisting of 2 or more
20 school districts identified under par. (a) and a statewide organization that is a
21 member of the School Administrators Alliance, that submit written plans specifying
22 how the grant moneys will be used to train superintendents, principals, and
23 prospective principals to decentralize the administration of their school districts and
24 work effectively in decentralized school districts. A grant recipient under this

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1 paragraph may spend the grant moneys during the school year the grant is awarded
2 and during the following school year.

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

5 **SECTION 2722.** 118.40 (2r) (a) of the statutes is repealed and recreated to read:

6 118.40 (2r) (a) In this subsection:

7 1. "Membership" means the sum of the number of pupils attending the charter
8 school in the current school year and the summer average daily membership
9 equivalent, as defined in s. 121.004 (8), for the summer of the previous school year.

10 2. "University" has the meaning given in s. 36.05 (13).

11 **SECTION 2723.** 118.40 (2r) (b) of the statutes is amended to read:

12 118.40 (2r) (b) The common council of the city of Milwaukee, the chancellor of
13 ~~the University of Wisconsin-Milwaukee and the Milwaukee area~~ a university within
14 the University of Wisconsin System, the board of control of a cooperative educational
15 service agency, and a technical college district board may establish by charter and
16 operate a charter school or, on behalf of their respective entities, may initiate a
17 contract with an individual or group to operate a school as a charter school. A charter
18 shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract
19 shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall
20 specify the effect of the establishment of the charter school on the liability of the
21 contracting entity under this paragraph. The contract may include other provisions
22 agreed to by the parties. The chancellor of ~~the University of Wisconsin-Milwaukee~~
23 a university within the University of Wisconsin System may not establish or enter
24 into a contract for the establishment of a charter school under this paragraph
25 without the approval of the board of regents of the University of Wisconsin System.

SENATE BILL 55**SECTION 2724**

1 **SECTION 2724.** 118.40 (2r) (c) of the statutes is repealed and recreated to read:

2 118.40 **(2r)** (c) Only pupils who reside in the school district in which the charter
3 school is located may attend the charter school, except that, if the charter school is
4 established or operated by the board of control of a cooperative educational service
5 agency, a pupil who resides in any school district served by the cooperative
6 educational service agency may attend the charter school.

7 **SECTION 2725.** 118.40 (2r) (e) of the statutes is amended to read:

8 118.40 **(2r)** (e) From the appropriation under s. 20.255 (2) (fm), the department
9 shall pay to the operator of the charter school an amount equal to the sum of the
10 amount paid per pupil under this paragraph in the previous school year and the
11 amount of revenue increase per pupil allowed under subch. VII of ch. 121 in the
12 current school year, multiplied by the ~~number of pupils attending the charter school~~
13 membership. The department shall pay 25% of the total amount in September, 25%
14 in December, 25% in February, and 25% in June. The department shall send the
15 check to the operator of the charter school.

16 **SECTION 2726.** 118.40 (7) (am) 2. of the statutes is amended to read:

17 118.40 **(7)** (am) 2. A charter school established under sub. (2r) or a private
18 school located in the school district operating under ch. 119 that is converted to a
19 charter school is not an instrumentality of the any school district ~~operating under ch.~~
20 ~~119 and the no~~ school board of that school district may not employ any personnel for
21 the charter school.

22 **SECTION 2727.** 118.40 (8) of the statutes is repealed.

23 **SECTION 2728.** 118.40 (9) of the statutes is created to read:

24 118.40 **(9)** CHARTER SCHOOL DEVELOPMENT LOANS. Beginning in the 2002-03
25 school year, from the appropriations under ss. 20.255 (2) (fz), (g), and (m), the state

SENATE BILL 55**SECTION 2728**

1 superintendent shall make loans to school districts to support the establishment of
2 charter schools, other than charter schools established under sub. (2r). The funds
3 may be used for capital expenditures, staff or curriculum development, or other costs
4 of starting a charter school. The state superintendent shall allocate a total of
5 \$1,000,000 in the appropriation under s. 20.255 (2) (m) for loans under this
6 subsection. The term of a loan under this subsection is 5 years. The state
7 superintendent shall specify the annual repayment amount.

8 **SECTION 2729.** 118.43 (2) (f) of the statutes is repealed.

9 **SECTION 2730.** 118.43 (2) (g) of the statutes is created to read:

10 118.43 (2) (g) The department may renew an achievement guarantee contract
11 under pars. (b), (bg), and (br) for one or more terms of 5 school years. As a condition
12 of receiving payments under a renewal of an achievement guarantee contract, a
13 school board shall maintain the reduction of class size achieved during the last school
14 year of the original achievement guarantee contract for the grades specified for the
15 last school year of the contract.

16 **SECTION 2731.** 118.43 (3) (ar) (intro.) of the statutes is renumbered 118.43 (3)
17 (ar) 1m. (intro.) and amended to read:

18 118.43 (3) (ar) 1m. (intro.) For contracts that begin in the 2000-01 school year
19 on behalf of schools whose low-income pupil enrollment in the 2000-01 school year
20 was at least 50%, reduce each class size to 15 in the following manner:

21 **SECTION 2732.** 118.43 (3) (ar) 1. to 3. of the statutes are renumbered 118.43 (3)
22 (ar) 1m. a. to c.

23 **SECTION 2733.** 118.43 (3) (ar) 2m. of the statutes is created to read:

24 118.43 (3) (ar) 2m. For contracts that begin in the 2000-01 school year on behalf
25 of schools whose low-income pupil enrollment in the 2000-01 school year was less

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1 than 50%, maintain for the 2001-02 to 2004-05 school years the reduced class size
2 achieved during the 2000-01 school year in at least grades kindergarten and one.

3 **SECTION 2734.** 118.43 (6) (b) 7. of the statutes is amended to read:

4 118.43 (6) (b) 7. In the 2001-02 and 2002-03 school years, \$2,000 multiplied
5 by the number of low-income pupils enrolled in grades eligible for funding in each
6 school in the school district covered by contracts under sub. (3) (am) and by renewals
7 of contracts under sub. (2) (g). After making these payments, the department shall
8 pay school districts on behalf of schools that are covered by contracts under sub. (3)
9 (ar), an amount equal to \$2,000 multiplied by the number of low-income pupils
10 enrolled in grades eligible for funding in each school in the school district covered by
11 contracts under sub. (3) (ar).

12 **SECTION 2735.** 118.43 (6) (b) 8. of the statutes is amended to read:

13 118.43 (6) (b) 8. In the 2003-04 and 2004-05 school years, \$2,000 multiplied
14 by the number of low-income pupils enrolled in grades eligible for funding in each
15 school in the school district covered by contracts under sub. (3) (ar) and by renewals
16 of contracts under sub. (2) (g).

17 **SECTION 2736.** 118.43 (7) of the statutes is amended to read:

18 118.43 (7) EVALUATION. ~~Beginning in the 1996-97 school year~~ Annually, the
19 department shall arrange for an evaluation of the program under this section and
20 shall allocate from the appropriation under s. 20.255 (2) (cu) ~~\$250,000~~ \$125,000 for
21 that purpose. To ensure an impartial evaluation, the department shall select an
22 evaluator by using a competitive process.

23 **SECTION 2737.** 118.43 (7) of the statutes, as affected by 2001 Wisconsin Act

24 (this act), is amended to read:

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1 118.43 (7) EVALUATION. Annually, the department board on education
2 evaluation and accountability shall arrange for an evaluation of the program under
3 this section and shall allocate from the appropriation under s. ~~20.255 (2) (cu)~~ 20.505
4 (4) (cw) \$125,000 for that purpose. To ensure an impartial evaluation, the
5 department board shall select an evaluator by using a competitive process.

6 **SECTION 2738.** 118.51 (3) (a) 2. of the statutes is amended to read:

7 118.51 (3) (a) 2. A nonresident school board may not act on any application
8 received under subd. 1. until after the 3rd Friday following the first Monday in
9 February. If a nonresident school board receives more applications for a particular
10 grade or program than there are spaces available in the grade or program, the
11 nonresident school board shall determine which pupils to accept on a random basis,
12 after giving preference to pupils and to siblings of pupils who are already attending
13 public school in the nonresident school district. If a nonresident school board
14 determines that space is not otherwise available for open enrollment pupils in the
15 grade or program to which an individual has applied, the school board may
16 nevertheless accept an applicant who is already attending school in the nonresident
17 school district or a sibling of the applicant.

18 **SECTION 2739.** 118.51 (4) (a) 3. of the statutes is amended to read:

19 118.51 (4) (a) 3. A statement of the preference required under sub. ~~(5) (e)~~ (3) (a)
20 2.

21 **SECTION 2740.** 118.51 (5) (a) (intro.) of the statutes is amended to read:

22 118.51 (5) (a) *Permissible criteria.* (intro.) Except as provided in ~~par. (e)~~ sub.
23 (3) (a) 2., the criteria for accepting and rejecting applications from nonresident pupils
24 under sub. (3) (a) may include only the following:

25 **SECTION 2741.** 118.51 (5) (a) 1. of the statutes is amended to read:

SENATE BILL 55**SECTION 2741**

1 118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or
2 grades within the nonresident school district, ~~including any. In determining the~~
3 availability of space, the nonresident school board may consider criteria such as class
4 size limits, pupil-teacher ratios, ~~pupils attending the school district for whom tuition~~
5 ~~is paid under s. 121.78 (1) (a) or enrollment projections established by the~~
6 nonresident school board and may include in its count of occupied spaces pupils
7 attending the school district for whom tuition is paid under s. 121.78 (1) (a) and
8 pupils and siblings of pupils who have applied under sub. (3) (a) and are already
9 attending public school in the nonresident school district.

10 **SECTION 2742.** 118.51 (5) (c) of the statutes is repealed.

11 **SECTION 2743.** 118.51 (16) (a) 3. of the statutes is amended to read:

12 118.51 (16) (a) 3. The Two-thirds of the statewide average per pupil school
13 district cost ~~for regular instruction, cocurricular activities, instructional support~~
14 ~~services and pupil support services~~ in the previous school year.

15 **SECTION 2744.** 118.52 (11) (b) of the statutes is amended to read:

16 118.52 (11) (b) *Low-income assistance.* The parent of a pupil who is attending
17 a course in a public school in a nonresident school district under this section may
18 apply to the department for reimbursement of the costs incurred by the parent for
19 the transportation of the pupil to and from the pupil's residence or school in which
20 the pupil is enrolled and the school at which the pupil is attending the course if the
21 pupil and parent are unable to pay the cost of such transportation. The department
22 shall determine the reimbursement amount and shall pay the amount from the
23 appropriation under s. 20.255 (2) ~~(ew)~~ (cy). The department shall give preference
24 under this paragraph to those pupils who are eligible for a free or reduced-price
25 lunch under 42 USC 1758 (b).

SENATE BILL 55**SECTION 2745**

1 **SECTION 2745.** 119.18 (23) of the statutes is renumbered 118.36 and amended
2 to read:

3 **118.36 School closings.** ~~The if a school board may close~~ closes any school that
4 it determines is low in performance ~~by adopting, it shall adopt~~ a resolution to that
5 effect. If the ~~superintendent of schools~~ school district administrator recommends to
6 the school board that a school be closed for low performance, he or she shall state the
7 reasons for the recommendation in writing. If the school board closes a school that
8 is low in performance, the ~~superintendent of schools~~ school district administrator
9 may reassign the school's staff members without regard to seniority in service. If the
10 school board reopens the school, the ~~superintendent of schools~~ school district
11 administrator may reassign staff members to the school without regard to seniority
12 in service.

13 **SECTION 2746.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

14 119.23 (2) (a) (intro.) Subject to ~~par. (b)~~ pars. (b) and (e), any pupil in grades
15 kindergarten to 12 who resides within the city or any private school located outside
16 the city that is situated on property any portion of which is located in the city may
17 attend, at no charge, any private school located in the city if all of the following apply:

18 **SECTION 2747.** 119.23 (2) (a) 1. of the statutes is amended to read:

19 119.23 (2) (a) 1. The pupil is a member of a family that has a total family income
20 that does not exceed an amount equal to ~~1.75~~ 1.85 times the poverty level determined
21 in accordance with criteria established by the director of the federal office of
22 management and budget.

23 **SECTION 2748.** 119.23 (2) (a) 3. of the statutes is amended to read:

24 119.23 (2) (a) 3. The private school notified the state superintendent of its
25 intent to participate in the program under this section by ~~May~~ February 1 of the

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1 previous school year. The notice shall specify the number of pupils participating in
2 the program under this section for which the school has space.

3 **SECTION 2749.** 119.23 (2) (c) of the statutes is created to read:

4 119.23 (2) (c) 1. If the department receives a notice from a private school under
5 par. (a) 3., by March 1 the department shall notify the private school whether it is
6 eligible to participate in the program under this section. If the department
7 determines that the private school is ineligible, the notice shall include an
8 explanation of that determination.

9 2. If the department determines under subd. 1. that a private school is
10 ineligible, the private school may appeal the decision to the department within 14
11 days after the decision. The department shall approve, reverse, or modify its decision
12 within 7 days of receiving an appeal.

13 **SECTION 2750.** 119.23 (2) (d) of the statutes is created to read:

14 119.23 (2) (d) By August 1, a private school that intends to participate in the
15 program under this section in the current school year shall submit to the department
16 a report stating the number of pupils that will attend the private school under this
17 section in the current school year.

18 **SECTION 2751.** 119.23 (2) (e) of the statutes is created to read:

19 119.23 (2) (e) A pupil who attends a private school under this section is eligible
20 to attend a private school under this section in succeeding school years even if the
21 pupil no longer meets the criterion under par. (a) 1.

22 **SECTION 2752.** 119.23 (4) (a) of the statutes is amended to read:

23 119.23 (4) (a) Annually, on or before ~~October 15~~ September 1, a private school
24 participating in the program under this section shall file with the department a

SENATE BILL 55**SECTION 2752**

1 report stating its summer average daily membership equivalent and its summer
2 choice average daily membership equivalent for the purpose of sub. (4m).

3 **SECTION 2753.** 119.23 (5) of the statutes is amended to read:

4 119.23 (5) ~~The state superintendent shall~~ In order to ensure that pupils and
5 parents and guardians of pupils who reside in the city are informed ~~annually~~ of the
6 private schools participating in the program under this section, annually by May 15
7 the state superintendent shall publish a list of the private schools that have been
8 determined under sub. (2) (c) to be eligible to participate in the program under this
9 section in the succeeding school year.

10 **SECTION 2754.** 119.235 of the statutes is renumbered 118.37, and 118.37 (1),
11 (2) (intro.), (b), (d), (e) 2. and (f) and (3) to (5), as renumbered, are amended to read:

12 118.37 (1) ~~The~~ A school board may contract with any nonsectarian private
13 school located in the city school district or any nonsectarian private agency located
14 in the city school district to provide educational programs to pupils enrolled in the
15 school district ~~operating under this chapter.~~ The school board shall ensure that each
16 private school or agency under contract with the board complies with ss. 118.125 and
17 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42
18 USC 2000d, and 42 USC 6101 to 6107, and all health and safety laws and rules that
19 apply to public schools.

20 (2) (intro.) Each private school or agency under contract with the school board
21 shall do all of the following:

22 (b) Participate in the school board's parent information program.

23 (d) Meet insurance and financial requirements established by the school board.

24 (e) 2. A pupil selection process that gives preference to the siblings of enrolled
25 pupils and that gives no other preferences except those approved by the school board.

SENATE BILL 55**SECTION 2754**

1 (f) Report to the school board any information requested by the school board.

2 (3) Any pupil enrolled in the school district ~~operating under this chapter~~ may
3 attend, at no charge, any private school or agency with which the school board has
4 contracted under sub. (1) if space is available in the private school or agency.

5 (4) The school board shall establish appropriate, quantifiable performance
6 standards for pupils at each private school or agency with which it contracts in such
7 areas as attendance, reading achievement, pupil retention, pupil promotion, parent
8 surveys, credits earned, and grade point average.

9 (5) Annually, the school board shall monitor the performance of the program
10 under this section. The school board may use the results of standardized basic
11 educational skills tests to do so. The school board shall include a summary of its
12 findings in its annual report to the state superintendent under s. 119.44.

13 **SECTION 2755.** 119.48 (4) (b) of the statutes is amended to read:

14 119.48 (4) (b) The communication shall state the purposes for which the funds
15 from the increase in the levy rate will be used and shall request the common council
16 to submit to the voters of the city the question of exceeding the levy rate specified in
17 s. 65.07 (1) (f) ~~at the September election or a special election.~~

18 **SECTION 2756.** 119.48 (4) (c) of the statutes is amended to read:

19 119.48 (4) (c) Upon receipt of the communication, the common council shall file
20 the communication as provided in s. 8.37 and shall cause the question of exceeding
21 the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city
22 at the September election or at a special election next regularly scheduled spring
23 election or general election that occurs not sooner than 42 days after receipt of the
24 communication or at a special election held on the Tuesday after the first Monday in
25 November in an odd-numbered year if that date occurs not sooner than 42 days after

SENATE BILL 55**SECTION 2756**

1 receipt of the communication. The question of exceeding the levy rate specified under
2 s. 65.07 (1) (f) shall be submitted so that the vote upon exceeding the levy rate
3 specified in s. 65.07 (1) (f) is taken separately from any other question submitted to
4 the voters. If a majority of the electors voting on the question favors exceeding the
5 levy rate specified under s. 65.07 (1) (f), the common council shall approve the
6 increase in the levy rate and shall levy and collect a tax equal to the amount of money
7 approved by the electors.

8 **SECTION 2757.** 119.49 (1) (b) of the statutes is amended to read:

9 119.49 (1) (b) The communication shall state the amount of funds needed under
10 par. (a) and the purposes for which the funds will be used and shall request the
11 common council to submit to the voters of the city ~~at the next election held in the city~~
12 the question of issuing school bonds in the amount and for the purposes stated in the
13 communication.

14 **SECTION 2758.** 119.49 (2) of the statutes is amended to read:

15 119.49 (2) Upon receipt of the communication, the common council shall file
16 the communication as provided in s. 8.37 and shall cause the question of issuing such
17 school bonds in the stated amount and for the stated school purposes to be submitted
18 to the voters of the city ~~at the next election held in the city~~ regularly scheduled spring
19 election or general election that occurs not sooner than 42 days after receipt of the
20 communication or at a special election held on the Tuesday after the first Monday in
21 November in an odd-numbered year if that date occurs not sooner than 42 days after
22 receipt of the communication. The question of issuing such school bonds shall be
23 submitted so that the vote upon issuing such school bonds is taken separately from
24 any other question submitted to the voters. If a majority of the electors voting on the
25 school bond question favors issuing such school bonds, the common council shall

SENATE BILL 55**SECTION 2758**

1 cause the school bonds to be issued immediately or within the period permitted by
2 law, in the amount requested by the board and in the manner other bonds are issued.

3 **SECTION 2759.** 120.06 (5) of the statutes is repealed.

4 **SECTION 2760.** 120.12 (15) of the statutes is amended to read:

5 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
6 school day. The school board may differentiate between the various elementary and
7 high school grades in scheduling the school day. The equivalent of 180 such days, as
8 defined in s. 115.01 (10), shall be held during the school term. This subsection shall
9 not be construed to eliminate a school district's duty to bargain with the employee's
10 collective bargaining representative over any calendaring proposal which is
11 primarily related to collectively with respect to the impact of the school calendar on
12 wages, hours, and conditions of employment.

13 **SECTION 2761.** 121.004 (6) of the statutes is amended to read:

14 121.004 (6) NET COST. The "net cost" of a fund means the gross cost of that fund
15 minus all nonduplicative revenues and other financing sources of that fund except
16 property taxes and, general aid, and aid received under s. 79.095 (4). In this
17 subsection, "nonduplicative revenues" includes federal financial assistance under 20
18 USC 236 to 245, to the extent permitted under federal law and regulations.

19 **SECTION 2762.** 121.007 of the statutes is amended to read:

20 **121.007 Use of state aid; exemption from execution.** All moneys paid to
21 a school district under s. 20.255 (2) (ac), (bc), (cg), and (cr) ~~and (q)~~ shall be used by
22 the school district solely for the purposes for which paid. Such moneys are exempt
23 from execution, attachment, garnishment, or other process in favor of creditors,
24 except as to claims for salaries or wages of teachers and other school employees and
25 as to claims for school materials, supplies, fuel, and current repairs.

SENATE BILL 55**SECTION 2763**

1 **SECTION 2763.** 121.02 (1) (a) 1. of the statutes is amended to read:

2 121.02 (1) (a) 1. Ensure that every teacher, supervisor, administrator and
3 professional staff member holds a certificate, license or permit to teach issued by the
4 department before entering on duties for such position. This subdivision does not
5 apply to supervisors, administrators, or noninstructional, professional staff
6 members of school boards with expanded flexibility under s. 118.39.

7 **SECTION 2764.** 121.02 (1) (r) of the statutes is amended to read:

8 121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer
9 a standardized reading test developed by the department board on education
10 evaluation and accountability to all pupils enrolled in the school district in grade 3,
11 including pupils enrolled in charter schools located in the school district.

12 **SECTION 2765.** 121.05 (1) (a) 10. of the statutes is amended to read:

13 121.05 (1) (a) 10. Pupils attending a private school or agency under contract
14 with the board under s. ~~119.235~~ 118.37.

15 **SECTION 2766.** 121.07 (6) (d) 1. of the statutes is repealed and recreated to read:

16 121.07 (6) (d) 1. The “secondary ceiling cost per member” is \$6,900 in the
17 2001-02 school year and \$7,300 in the 2002-03 school year.

18 **SECTION 2767.** 121.07 (6) (d) 2. of the statutes is amended to read:

19 121.07 (6) (d) 2. The “secondary ceiling cost per member” in the ~~1997-98~~
20 2003-04 school year and in each school year thereafter is an amount determined by
21 multiplying the secondary ceiling cost per member in the previous school year by 1.0
22 plus the rate certified under s. 73.03 (46) expressed as a decimal.

23 **SECTION 2768.** 121.09 (1) of the statutes is amended to read:

24 121.09 (1) If, on or after July 1, 1980, the tax appeals commission or a court
25 makes a final redetermination on the assessment of property subject to taxation

SENATE BILL 55**SECTION 2768**

1 under s. 70.995 that is lower than the previous assessment, or if, on or after January
2 1, 1982, the state board of assessors makes a final redetermination on the
3 assessment of property subject to taxation under s. 70.995 that is lower than the
4 previous assessment, the school board of the school district in which the property is
5 located may, within 4 years after the date of the determination, decision, or
6 judgment, file the determination of the state board of assessors, the decision of the
7 tax appeals commission, or the judgment of the court with the state superintendent,
8 requesting an adjustment in state aid to the school district. If the state
9 superintendent determines that the determination, decision, or judgment is final
10 and that it has been filed within the 4-year period, the state shall pay to the school
11 district in the subsequent fiscal year, from the ~~appropriations~~ appropriation under
12 s. 20.255 (2) (ac) ~~and (q)~~, an amount equal to the difference between the state aid
13 computed under s. 121.08 for the school year commencing after the year subject to
14 the valuation recertification, using the school district's equalized valuation as
15 originally certified, and the state aid computed under s. 121.08 for that school year
16 using the school district's equalized valuation as recertified under s. 70.57 (2).

17 **SECTION 2769.** 121.105 (2) (a) 1. of the statutes is renumbered 121.105 (2) (am)
18 and amended to read:

19 121.105 (2) (am) If a school district would receive less in state aid in the current
20 year before any adjustment is made under s. 121.15 (4) (b) than an amount equal to
21 85% of the sum of the state aid that it received in the previous school year and the
22 adjustment, if any, made under s. 121.15 (4) (b) in the current school year, its state
23 aid for the current school year shall be increased to an amount equal to 85% of the
24 state aid received in the previous school year.

25 **SECTION 2770.** 121.105 (2) (a) 2. of the statutes is repealed.

SENATE BILL 55**SECTION 2771**

1 **SECTION 2771.** 121.105 (2) (a) 3. of the statutes is repealed.

2 **SECTION 2772.** 121.105 (3) of the statutes is amended to read:

3 121.105 (3) In the school year in which a school district consolidation takes
4 effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the
5 consolidated school district's state aid shall be an amount that is not less than the
6 aggregate state aid received by the consolidating school districts in the school year
7 prior to the school year in which the consolidation takes effect. The additional state
8 aid shall be paid from the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) and
9 (~~q~~).

10 **SECTION 2773.** 121.14 (1) of the statutes is amended to read:

11 121.14 (1) State aid shall be paid to each district, operator of a charter school
12 under s. 118.40 (2r), or county children with disabilities education board only for
13 those academic summer classes or laboratory periods that are for necessary
14 academic purposes, as defined by the state superintendent by rule. Recreational
15 programs and team sports shall not be eligible for aid under this section, and pupils
16 participating in such programs shall not be counted as pupils enrolled under s.
17 121.004 (5) nor shall costs associated with such programs be included in shared costs
18 under s. 121.07 (6).

19 **SECTION 2774.** 121.14 (2) (b) of the statutes is amended to read:

20 121.14 (2) (b) Annually on or before October 1, the school district clerk,
21 appropriate administrator of a charter school under s. 118.40 (2r), or chairperson of
22 the county children with disabilities education board shall file with the department
23 a report stating the summer average daily membership equivalent.

24 **SECTION 2775.** 121.15 (1m) (a) (intro.) and 3. of the statutes are consolidated,
25 renumbered 121.15 (1m) (a) and amended to read:

SENATE BILL 55**SECTION 2775**

1 121.15 (1m) (a) Notwithstanding subs. (1) and (1g), a portion of state aid to
2 school districts shall be distributed as follows: ~~3. Beginning~~ beginning in the
3 1999-2000 school year, annually the state shall pay to school districts, from the
4 appropriation under s. 20.255 (2) (ac), \$75,000,000 on the 4th Monday in July of the
5 following school year.

6 **SECTION 2776.** 121.15 (1m) (a) 1. of the statutes is repealed.

7 **SECTION 2777.** 121.15 (1m) (a) 2. of the statutes is repealed.

8 **SECTION 2778.** 121.15 (1m) (b) of the statutes is amended to read:

9 121.15 (1m) (b) The percentages under subs. (1) (a) and (1g) (a) shall be reduced
10 proportionally to reflect the ~~payments~~ payment made under par. (a). School districts
11 shall treat the ~~payments~~ payment made in July under par. (a) as if ~~they~~ it had been
12 received in the previous school year.

13 **SECTION 2779.** 121.15 (3m) (a) 1. of the statutes is amended to read:

14 121.15 (3m) (a) 1. "Partial school revenues" means the sum of state school aids,
15 other than the ~~amounts~~ amount appropriated under s. 20.255 (2) ~~(bi) and (cv);~~
16 property taxes levied for school districts; and aid paid to school districts under s.
17 79.095 (4), less the amount of any revenue limit increase under s. 121.91 (4) (a) 2. due
18 to a school board's increasing the services that it provides by adding responsibility
19 for providing a service transferred to it from another school board, less the amount
20 of any revenue limit increase under s. 121.91 (4) (a) 3., and less the amount of any
21 revenue limit increase under s. 121.91 (4) (h).

22 **SECTION 2780.** 121.79 (1) (d) (intro.) of the statutes is amended to read:

23 121.79 (1) (d) (intro.) For pupils in foster homes, treatment foster homes, or
24 group homes, if the foster home, treatment foster home, or group home is located

SENATE BILL 55**SECTION 2780**

1 outside the school district in which the pupil's parent or guardian resides and either
2 of the following applies:

3 **SECTION 2781.** 121.79 (1) (d) 1. of the statutes is repealed.

4 **SECTION 2782.** 121.79 (1) (d) 3. of the statutes is created to read:

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

10 **SECTION 2783.** 121.85 (6) (e) of the statutes is amended to read:

11 121.85 (6) (e) *Sources of aid payments.* State aid under this section shall be
12 paid from the appropriations appropriation under s. 20.255 (2) (ac) and ~~(q)~~.

13 **SECTION 2784.** 121.85 (8) of the statutes is amended to read:

14 121.85 (8) TRANSFERRED PUPILS. Pupils transferring schools under this section
15 shall be subject to the same rules and regulations as resident pupils and shall have
16 the responsibilities, privileges, and rights of resident pupils in the school district or
17 attendance area. Subject to this subsection, a pupil transferring schools under either
18 sub. (3) (a) or (b) has the right to complete his or her education at the elementary,
19 middle, or high school to which he or she transfers so long as full funding therefor
20 is available under s. 20.255 (2) (ac) and ~~(q)~~.

21 **SECTION 2785.** 121.85 (9) (c) of the statutes is amended to read:

22 121.85 (9) (c) The obligation under par. (a) to organize planning councils shall
23 apply only with regard to school terms for which full pupil transfer aids are
24 appropriated under s. 20.255 (2) (ac) and ~~(q)~~ and planning council assistance funds
25 are appropriated under s. 20.255 (1) (a).

SENATE BILL 55**SECTION 2786**

1 **SECTION 2786.** 121.90 (1) (d) of the statutes is amended to read:

2 121.90 (1) (d) In determining a school district's revenue limit in the 2001-02
3 school year, a number equal to 20% of the summer enrollment in the year 1999 shall
4 be included in the number of pupils enrolled on the 3rd Friday of September 1999;
5 a number equal to 40% of the summer enrollment in the year 2000 shall be included
6 in the number of pupils enrolled on the 3rd Friday of September 2000; and a number
7 equal to ~~40%~~ 25% of the summer enrollment in the year 2001 shall be included in the
8 number of pupils enrolled on the 3rd Friday of September 2001.

9 **SECTION 2787.** 121.90 (1) (dm) of the statutes is amended to read:

10 121.90 (1) (dm) In determining a school district's revenue limit in the 2002-03
11 school year, a number equal to 40% of the summer enrollment in the year 2000 shall
12 be included in the number of pupils enrolled on the 3rd Friday of September 2000;
13 a number equal to ~~40%~~ 25% of the summer enrollment in the year 2001 shall be
14 included in the number of pupils enrolled on the 3rd Friday of September 2001; and
15 a number equal to ~~40%~~ 25% of the summer enrollment in the year 2002 shall be
16 included in the number of pupils enrolled on the 3rd Friday of September 2002.

17 **SECTION 2788.** 121.90 (1) (dr) of the statutes is amended to read:

18 121.90 (1) (dr) In determining a school district's revenue limit in the 2003-04
19 school year and in each school year thereafter, a number equal to ~~40%~~ 25% of the
20 summer enrollment shall be included in the number of pupils enrolled on the 3rd
21 Friday of September of each appropriate school year.

22 **SECTION 2789.** 121.905 (1) of the statutes is amended to read:

23 121.905 (1) In this section, "revenue ceiling" means ~~\$6,300~~ \$6,700 in the
24 ~~1999-2000~~ 2001-02 school year and in any subsequent school year means ~~\$6,500~~
25 \$6,900.

SENATE BILL 55**SECTION 2790**

1 **SECTION 2790.** 121.905 (3) (c) of the statutes is repealed and recreated to read:

2 121.905 (3) (c) For the limit for the 2001-02 school year or for any school year
3 thereafter, add \$220.29 to the result under par. (b).

4 **SECTION 2791.** 121.91 (2m) (e) (intro.) of the statutes is amended to read:

5 121.91 (2m) (e) (intro.) Except as provided in subs. (3) and (4), no school district
6 may increase its revenues for the ~~1999-2000~~ 2001-02 school year or for any school
7 year thereafter to an amount that exceeds the amount calculated as follows:

8 **SECTION 2792.** 121.91 (2m) (e) 2. of the statutes is repealed.

9 **SECTION 2793.** 121.91 (2m) (e) 3. of the statutes is repealed and recreated to
10 read:

11 121.91 (2m) (e) 3. Add \$220.29 to the result under subd. 1.

12 **SECTION 2794.** 121.91 (2m) (r) 1. b. of the statutes is repealed and recreated to
13 read:

14 121.91 (2m) (r) 1. b. Add \$220.29 to the result under subd. 1. a.

15 **SECTION 2795.** 121.91 (2m) (r) 2. b. of the statutes is amended to read:

16 121.91 (2m) (r) 2. b. For the school year beginning on the first July 1 following
17 the effective date of the reorganization the average of the number of pupils in the
18 current and the previous school years shall be used under pars. (c) 4., (d) 4., and (e)
19 ~~3.~~ 4. instead of the average of the number of pupils in the current and the 2 preceding
20 school years.

21 **SECTION 2796.** 121.91 (3) (a) of the statutes is amended to read:

22 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
23 otherwise applicable to the school district in any school year, it shall promptly adopt
24 a resolution supporting inclusion in the final school district budget of an amount
25 equal to the proposed excess revenue. The resolution shall specify whether the

SENATE BILL 55**SECTION 2796**

1 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
2 proposed excess revenue is for both recurring and nonrecurring purposes, the
3 amount of the proposed excess revenue for each purpose. The resolution shall be filed
4 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
5 shall notify the department of the scheduled date of the referendum and submit a
6 copy of the resolution to the department. The school board shall call a special
7 referendum for the purpose of submitting the resolution to the electors of the school
8 district for approval or rejection. ~~In lieu of a special referendum, the school board~~
9 ~~may specify that the referendum be held at the next succeeding spring primary or~~
10 ~~election or September primary or general election, if such election is to be held not~~
11 ~~sooner than 42 days after the filing of the resolution of the school board, or at a special~~
12 ~~election held on the Tuesday after the first Monday in November in an~~
13 ~~odd-numbered year if that date occurs not earlier than 42 days after the filing of the~~
14 ~~resolution of the school board.~~ The school district clerk shall certify the results of the
15 referendum to the department within 10 days after the referendum is held.

16 **SECTION 2797.** 121.91 (4) (dg) of the statutes is created to read:

17 121.91 (4) (dg) Notwithstanding par. (d), if a school district's revenue in the
18 preceding school year was less than the limit under sub. (2m) in the preceding school
19 year, the school district received an increase in aid under s. 121.15 (4) (b) in the
20 current school year, and the increase in aid was less than the amount determined
21 under subd. 2., the limit otherwise applicable to the school district's revenue in the
22 current school year under sub. (2m) is increased by an amount determined as follows:

23 1. Determine the increase in aid under s. 121.15 (4) (b).

24 2. Subtract the school district's revenue in the preceding school year from the
25 school district's limit under sub. (2m) in the preceding school year.

SENATE BILL 55**SECTION 2797**

1 3. Subtract from subd. 2. the amount determined under subd. 1. and multiply
2 the remainder by 0.75.

3 4. Add the results under subds. 1. and 3.

4 **SECTION 2798.** 121.91 (4) (dr) of the statutes is created to read:

5 121.91 (4) (dr) Notwithstanding par. (d), if a school district's revenue in the
6 preceding school year was less than the limit under sub. (2m) in the preceding school
7 year, the school district received an increase in aid under s. 121.15 (4) (b) in the
8 current school year, and the increase in aid was equal to or greater than the amount
9 determined under par. (dg) 2., the limit otherwise applicable to the school district's
10 revenue in the current school year under sub. (2m) is increased by the difference
11 between the amount of its revenue in the preceding school year and the amount of
12 the limit in the preceding school year under sub. (2m).

13 **SECTION 2799.** 121.92 (2) (c) of the statutes is amended to read:

14 121.92 (2) (c) If the amount of the deductions under pars. (a) and (b) is
15 insufficient to cover the excess revenue, order the school board to reduce the property
16 tax obligations of its taxpayers by an amount that represents the remainder of the
17 excess revenue. The school district's refunds to taxpayers who have already paid
18 their taxes shall be increased by interest at the rate of 0.5% per month. If the school
19 board violates the order, any resident of the school district may seek injunctive relief.
20 This paragraph does not apply to property taxes levied for the purpose of paying the
21 principal and interest on valid bonds or notes issued by the school board.

22 **SECTION 2800.** 125.04 (12) (c) of the statutes is created to read:

23 125.04 (12) (c) *Retail license or permit for the same premises.* No municipality
24 may issue a Class "A," "Class A," Class "B," "Class B," or "Class C" license, and the
25 department may not issue a Class "B" or "Class B" permit, to an applicant if the

SENATE BILL 55**SECTION 2800**

1 premises described in the application for a license or permit is already covered by a
2 current license or permit of the same kind unless all of the following apply:

3 1. The applicant provides proof to the municipality or department that, not less
4 than 15 days nor more than 30 days before submitting the application, the current
5 licensee or permittee for the premises has provided to the applicant the name and
6 address of each fermented malt beverages wholesaler to whom the current licensee
7 or permittee is indebted.

8 2. The applicant provides proof to the municipality or department that, not less
9 than 15 days nor more than 30 days before submitting the application, the applicant
10 has notified each wholesaler identified under subd. 1. of the address and current
11 name of the premises for which the license or permit application is made, of the name
12 and address of the current licensee or permittee, and that the applicant is applying
13 for a license or permit for the premises.

14 3. The current licensee or permittee is not in violation of s. 125.33 (7) or 125.69
15 (4) unless the violation consists of an indebtedness discharged in bankruptcy.

16 4. The current licensee or permittee is not the subject of any proceeding under
17 s. 125.12.

18 **SECTION 2801.** 125.05 (2) (h) of the statutes is amended to read:

19 125.05 (2) (h) *Number of electors.* The number of electors in a residence district
20 shall equal not less than the number of names with residences in the district which
21 appear on ~~a~~ the registration list, as defined in s. 5.02 (17). ~~If there is no registration~~
22 ~~list, the number of electors shall equal the number of names with residences in the~~
23 ~~district which appear on a poll list as defined in s. 5.02 (14) compiled at the last~~
24 ~~gubernatorial or presidential election, whichever is most recent, for the residence~~
25 district on the date that the remonstrance, consent, or counter petition is filed. A

SENATE BILL 55**SECTION 2801**

1 person whose name does not appear on a registration list ~~or poll list~~ may not sign a
2 protest petition, consent or counter petition.

3 **SECTION 2802.** 125.06 (8) of the statutes is amended to read:

4 125.06 (8) SALE BY SECURED PARTY. The sale of alcohol beverages by a secured
5 party in good faith under the terms of a security agreement, if the sale is not for the
6 purpose of avoiding this chapter or ch. 139. The sale must be in the ordinary course
7 of the business of lending money secured by a security interest in alcohol beverages
8 or warehouse receipts or other evidence of ownership. A sale of fermented malt
9 beverages must be made within 30 days after the secured party takes possession of
10 the fermented malt beverages unless the secured party demonstrates good cause
11 why a sale in compliance with s. 409.504 or the security agreement cannot be made
12 within this time period.

13 **SECTION 2803.** 125.145 of the statutes is amended to read:

14 **125.145 Prosecutions by attorney general.** Upon request by the secretary
15 of revenue, the attorney general may represent this state or assist a district attorney
16 in prosecuting any case arising under this chapter. Notwithstanding s. 971.19 (6),
17 upon request by the secretary of revenue, the attorney general may commence any
18 action to enforce s. 125.30 (1) in the circuit court for Dane County.

19 **SECTION 2804.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

20 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
21 body may issue an operator's license unless the applicant has successfully completed
22 a responsible beverage server training course at any location that is offered by a
23 technical college district and that conforms to curriculum guidelines specified by the
24 technical college system board or a comparable training course, which may include
25 computer-based training and testing, that is approved by the department or the

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1 educational approval board, or unless the applicant fulfills one of the following
2 requirements:

3 **SECTION 2805.** 125.30 (6) of the statutes is created to read:

4 125.30 (6) Notwithstanding s. 125.11, the department shall issue a written
5 warning to any person located outside this state who sells or ships fermented malt
6 beverages into this state in violation of sub. (1) if the person has not previously
7 received a warning under this section. Any person located outside this state who
8 sells or ships fermented malt beverages into this state in violation of sub. (1) and who
9 has been previously issued a written warning under this subsection shall be fined not
10 more than \$10,000 or imprisoned for not more than 2 years or both.

11 **SECTION 2806.** 125.33 (2) (a) of the statutes is amended to read:

12 125.33 (2) (a) Give to any campus or Class "B" licensee or permittee, during any
13 calendar year, for placement inside the premises, signs, clocks, or menu boards with
14 an aggregate value of not more than \$150 \$2,500. If a gift of any item would cause
15 the \$150 \$2,500 limit to be exceeded, the recipient shall pay the brewer or wholesaler
16 the amount of the item's value in excess of \$150 \$2,500. ~~Each recipient shall keep~~
17 ~~an invoice or credit memo containing the name of the donor~~ Both the donating brewer
18 or wholesaler and the recipient shall keep written documentation containing the
19 name of the recipient and donor and the number and value of items received provided
20 under this paragraph. The value of an item is its cost to the donor. Each donor and
21 recipient shall make the records kept under this paragraph available to the
22 department for inspection upon request.

23 **SECTION 2807.** 125.33 (2) (b) 2. of the statutes is amended to read:

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1 125.33 (2) (b) 2. Signs made from paper ~~or~~, cardboard, plastic, or vinyl, or signs
2 made from other materials with a useful life of less than one year, for placement
3 inside the premises, notwithstanding the aggregate value limitation of par. (a).

4 **SECTION 2808.** 125.33 (2) (L) of the statutes is renumbered 125.33 (2) (L) 1.

5 **SECTION 2809.** 125.33 (2) (L) 2. of the statutes is created to read:

6 125.33 (2) (L) 2. Purchase advertising from any person who does not hold a
7 license or permit under this chapter and who conducts a bona fide advertising,
8 promotional, or media business, to promote brewer or wholesaler sponsored
9 sweepstakes, contests, or promotions on the premises of Class "B" licensees or
10 permittees if the advertising or promotional material or media includes at least 5
11 unaffiliated Class "B" licensees and if the Class "B" licensee on whose premises the
12 event will occur does not receive compensation, directly or indirectly, for hosting the
13 event.

14 **SECTION 2810.** 125.33 (2) (L) 3. of the statutes is created to read:

15 125.33 (2) (L) 3. Conduct its own sweepstakes, contests, or promotions on the
16 premises of Class "B" licensees or permittees if the advertising or promotional
17 material or media for the event includes at least 5 unaffiliated Class "B" licensees
18 and if the Class "B" licensee on whose premises the event will occur does not receive
19 compensation, directly or indirectly, for hosting the event.

20 **SECTION 2811.** 125.33 (2) (n) 2. of the statutes is amended to read:

21 125.33 (2) (n) 2. Notwithstanding subd. 1., no brewer or wholesaler may
22 provide business entertainment to a Class "B" licensee or permittee under subd. 1.
23 in one day that has a value exceeding ~~\$75~~ \$500, and no brewer or wholesaler may
24 provide business entertainment to a Class "B" licensee or permittee under subd. 1.
25 on more than 12 days in any calendar year.

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1 2. The historical cost basis method of accounting, if the financial statement is
2 a sole proprietor's personal financial statement and the financial statement is
3 prepared on a historical cost basis.

4 (b) Conducted an audit according to generally accepted auditing standards.

5 **(4)** "Balance sheet" means a statement of assets, liabilities, and equity on a
6 specific date.

7 **(5)** "Contractor," unless otherwise qualified, means any of the following:

8 (a) A grain dealer, as defined in s. 126.10 (9).

9 (b) A grain warehouse keeper, as defined in s. 126.25 (9).

10 (c) A milk contractor, as defined in s. 126.40 (8).

11 (d) A vegetable contractor, as defined in s. 126.55 (14).

12 **(6)** "Current assets" means cash and other assets, including trade or
13 investment items, that may be readily converted into cash in the ordinary course of
14 business within one year after the date as of which the value of those assets is
15 determined.

16 **(7)** "Current liabilities" means those liabilities that are due within one year
17 after the date as of which the value of those liabilities is determined.

18 **(8)** "Department" means the department of agriculture, trade and consumer
19 protection.

20 **(9)** "Equity" means the value of assets less the value of liabilities.

21 **(10)** "Equity statement" means a report of the change in equity from the
22 beginning to the end of the accounting period covered by the report.

23 **(11)** "Fund" means the agricultural producer security fund established under
24 s. 25.463.

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1 **(12)** “Generally accepted accounting principles” means the accounting
2 standards adopted by the Financial Accounting Standards Board, except that for a
3 business entity organized and operating outside the United States “generally
4 accepted accounting principles” includes generally accepted foreign accounting
5 standards that are substantially equivalent to standards adopted by the Financial
6 Accounting Standards Board.

7 **(13)** “Grain” means corn, wheat, soybeans, oats, barley, rye, buckwheat,
8 sorghum, flax seed, milo, sunflower seed, and mixed grain, as defined in 7 CFR
9 810.801, except that “grain” does not include any of the following:

10 (a) Sweet corn or other canning crops for processing.

11 (b) Seed corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax
12 seed, milo, sunflower seed, or mixed grain used or intended for use solely for planting
13 purposes.

14 (c) Corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax seed,
15 milo, sunflower seed, or mixed grain that has been rolled, cracked, roasted, or
16 otherwise processed.

17 **(14)** “Income statement” means a report of the financial results of business
18 operations for a specific period.

19 **(15)** “Individual” means a natural person.

20 **(16)** “Interim financial statement” means a statement of financial condition
21 prepared for a period shorter than a fiscal year.

22 **(17)** “Milk” has the meaning given in s. 97.22 (1) (e).

23 **(18)** “Person,” notwithstanding s. 990.01 (26), means an individual,
24 corporation, cooperative, partnership, limited liability company, trust, state agency,

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1 as defined in s. 20.001 (1), local governmental unit, as defined in s. 66.0131 (1) (a),
2 or other legal entity.

3 (19) "Producer," unless otherwise qualified, means a grain producer, as defined
4 in s. 126.10 (10), milk producer, as defined in s. 126.40 (10), or vegetable producer,
5 as defined in s. 126.55 (16).

6 (20) "Reviewed financial statement" means a contractor's financial statement,
7 other than an audited financial statement, if all of the following apply:

8 (a) The contractor attests in writing, under oath, that the financial statement
9 is complete and accurate.

10 (b) The financial statement is reviewed by an independent certified public
11 accountant or by an independent public accountant who holds a certificate of
12 authority under ch. 442.

13 (21) "Security" means security filed or maintained under s. 126.16, 126.31,
14 126.47, or 126.61.

15 (22) "Sole proprietor" means a contractor who is an individual.

16 (23) "Statement of cash flows" means a report of cash receipts and cash
17 disbursements from operating, investing, and financing activities, including an
18 explanation of changes in cash and cash equivalents for the accounting period
19 covered by the report.

20 (24) "Vegetable" means any vegetable that is grown or sold for use in food
21 processing, whether or not the vegetable is actually processed as food. "Vegetable"
22 includes green beans, kidney beans, lima beans, romano beans, wax beans, beets,
23 cabbage, carrots, celery, cucumbers, onions, peas, potatoes, spinach, squash, and
24 sweet corn, but does not include grain.

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1 (d) That each bond under sub. (1) is issued by a person who is authorized to
2 operate a surety business in this state.

3 (dm) That no surety issues more than one of the 3 bonds under sub. (1).

4 (e) That no bond issued under sub. (1) may be canceled or modified unless one
5 of the following applies:

6 1. The department agrees to the cancellation or modification.

7 2. The department receives written notice from the issuer in person or by
8 certified mail at least one year before the proposed cancellation or modification.

9 (f) That the issuer of each bond under sub. (1) issues the bond in a form, and
10 subject to any terms and conditions, that the department considers appropriate.

11 **(3) BOND PROCUREMENT.** The department shall procure the surety bonds under
12 sub. (1) according to the procedures provided in subch. IV of ch. 16.

13 **126.07 Blanket bond. (1) DEPARTMENT TO ACQUIRE BOND.** Using moneys
14 appropriated under s. 20.115 (1) (v), the department shall acquire and maintain a
15 surety bond, that takes effect on February 1, 2002, to secure payment under s. 126.72
16 (3) of claims against contributing contractors, as defined in s. 126.68 (1).

17 **(2) BOND TERMS.** The department shall ensure all of the following:

18 (a) That the amount of the bond under sub. (1) is at least \$20,000,000 but not
19 more than \$40,000,000.

20 (b) That the amount of the bond under sub. (1) renews annually.

21 (c) That the bond under sub. (1) is payable to the department for the benefit of
22 claimants described in sub. (1).

23 (d) That the bond under sub. (1) is jointly issued by at least 3 persons acting
24 as cosuretaries on the bond and that each of the persons is authorized to operate a
25 surety business in this state.

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1 (e) That no issuer of the bond under sub. (1) may cancel or modify the bond, or
2 withdraw as a cosurety, unless one of the following applies:

3 1. The department agrees to the cancellation, modification, or withdrawal.

4 2. The department receives written notice from the issuer that is delivered in
5 person or by certified mail and is received at least one year before the proposed
6 cancellation, modification, or withdrawal.

7 (f) That the issuers of the bond under sub. (1) issue the bond in a form, and
8 subject to any terms and conditions, that the department considers appropriate.

9 **(3) BOND PROCUREMENT.** The department shall procure the surety bond under
10 sub. (1) according to the procedures provided in subch. IV of ch. 16.

11 **126.08 Start-up loan to fund; repayment.** On January 1, 2002, \$2,000,000
12 is transferred as a loan from the agrichemical management fund, to the agricultural
13 producer security fund. The department shall repay this loan principal, plus interest
14 compounded at 5% annually, from the agricultural producer security fund by July 1,
15 2006. The department shall transfer at least \$250,000 from the agricultural
16 producer security fund to the agrichemical management fund on July 1 of each year,
17 beginning on July 1, 2003. The department may accelerate the loan repayment, at
18 its discretion.

19 **SUBCHAPTER III**

20 **GRAIN DEALERS**

21 **126.10 Definitions.** In this subchapter:

22 **(1)** "Cash on delivery" means full cash payment for grain when the grain dealer
23 takes custody or control of the grain.

24 **(2)** "Cash payment" means payment in any of the following forms:

25 (a) Currency.

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1 (b) A cashier's check or a check that a bank issues and certifies.

2 (c) A wire transfer.

3 (d) Simultaneous barter.

4 **(3)** "Contributing grain dealer" means a grain dealer who is licensed under s.
5 126.11, who either has paid one or more quarterly installments under s. 126.15 (7)
6 or is required to contribute to the fund, but the first quarterly installment under s.
7 126.15 (7) is not yet due, and who is not disqualified from the fund under s. 126.14
8 (2).

9 **(4)** "Current ratio" means the ratio of the value of current assets to the value
10 of current liabilities, calculated according to s. 126.13 (6) (c) 1.

11 **(5)** "Debt to equity ratio" means the ratio of the value of liabilities to equity,
12 calculated according to s. 126.13 (6) (c) 2.

13 **(6)** "Deferred payment contract" means a contract for the procurement of grain
14 under which a grain dealer takes custody or control of producer grain more than 7
15 days before paying for the grain in full. "Deferred payment contract" includes a
16 deferred price contract.

17 **(7)** "Deferred price contract" means a contract for the procurement of grain
18 under which a grain dealer takes custody or control of producer grain more than 7
19 days before the price of that grain must be determined under the contract.

20 **(8)** "Disqualified grain dealer" means a grain dealer who is disqualified from
21 the fund under s. 126.14 (2).

22 **(9)** "Grain dealer" means a person who buys producer grain or who markets
23 producer grain as a producer agent. "Grain dealer" does not include any of the
24 following:

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1 (a) A person who merely brokers a contract between a grain producer and a
2 grain dealer without becoming a party to the contract, taking control of grain, or
3 accepting payment on behalf of the grain producer.

4 (b) A person who merely buys or sells grain on a board of trade or commodity
5 exchange.

6 **(10)** “Grain producer” means a person who grows grain.

7 **(10m)** “License year” means the period beginning on September 1 and ending
8 on the following August 31.

9 **(11)** “Procure grain” means to buy grain or acquire the right to market grain.

10 **(12)** “Procure producer grain in this state” means any of the following:

11 (a) To buy producer grain for receipt in this state.

12 (b) To acquire the right to market producer grain grown in this state.

13 **(13)** “Producer agent” means a person who acts on behalf of a grain producer
14 to market or accept payment for the grain producer’s grain without taking title to
15 that grain, including a person who uses a producer trust fund to market or accept
16 payment for producer grain. “Producer agent” does not include any of the following:

17 (a) A person who merely brokers a contract between a grain producer and a
18 grain dealer, without becoming a party to the contract, taking control of grain, or
19 accepting payment on behalf of the grain producer.

20 (b) A person who merely holds or transports grain for a grain producer without
21 marketing the grain or accepting payment on behalf of the grain producer.

22 **(14)** “Producer grain” means grain that is owned by or held in trust for one or
23 more grain producers. “Producer grain” includes grain that a producer agent
24 markets for a grain producer, without taking title to the grain.

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1 **126.11 Grain dealers; licensing. (1) LICENSE REQUIRED.** Except as provided
2 in sub. (2), no grain dealer may procure producer grain in this state without a current
3 annual license from the department.

4 **(2) EXEMPT GRAIN DEALERS.** The following grain dealers are not required to hold
5 a license under this section, but may volunteer to be licensed:

6 (a) A grain dealer who pays cash on delivery for all producer grain.

7 (b) A grain dealer who buys producer grain solely for the grain dealer's own use
8 as feed or seed and who spends less than \$400,000 per license year for that grain.

9 **(2m) LICENSE TERMS.** A license under this section expires on the August 31
10 following its issuance. No person may transfer or assign a license issued under this
11 section.

12 **(3) LICENSE APPLICATION.** A grain dealer shall apply for an annual license under
13 this section in writing, on a form provided by the department. An applicant shall
14 provide all of the following:

15 (a) The applicant's legal name and any trade name under which the applicant
16 proposes to operate as a grain dealer.

17 (b) A statement of whether the applicant is an individual, corporation,
18 partnership, cooperative, limited liability company, trust, or other legal entity. If the
19 applicant is a corporation or cooperative, the applicant shall identify each officer of
20 the corporation or cooperative. If the applicant is a partnership, the applicant shall
21 identify each partner.

22 (c) The mailing address of the applicant's primary business location and the
23 name of a responsible individual who may be contacted at that location.

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1 (d) The street address of each business location from which the applicant
2 operates in this state as a grain dealer and the name of a responsible individual who
3 may be contacted at each location that is staffed.

4 (e) All license fees and surcharges required under sub. (4).

5 (f) The sworn and notarized statement required under sub. (9).

6 (g) A financial statement if required under s. 126.13 (1) and not yet filed.

7 (h) Other relevant information required by the department.

8 **(4) LICENSE FEES AND SURCHARGES.** A grain dealer applying for an annual license
9 under this section shall pay the following fees and surcharges, unless the
10 department specifies a different fee or surcharge amount by rule:

11 (a) A nonrefundable license processing fee of \$25.

12 (b) The following license fees based on the grain dealer's reported grain
13 payments under sub. (9) (a), less any credit provided under sub. (6):

14 1. A fee of \$500, plus \$225 per business location in excess of one business
15 location, if the amount under sub. (9) (a) is at least \$500,000.

16 2. A fee of \$200 if the amount under sub. (9) (a) is at least \$50,000 but less than
17 \$500,000.

18 3. A fee of \$50 if the amount under sub. (9) (a) is less than \$50,000.

19 (c) A license fee of \$45 for each truck, in excess of one truck, that the grain dealer
20 uses to haul grain in this state.

21 (d) A license surcharge of \$425 if the grain dealer files a financial statement
22 under s. 126.13 (1) that is not an audited financial statement.

23 (e) A license surcharge of \$500 if the department determines that, within 365
24 days before submitting the license application, the applicant operated as a grain
25 dealer without a license in violation of sub. (1). The applicant shall also pay any

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1 license fees, license surcharges, and fund assessments that are still due for any
2 license year in which the applicant violated sub. (1).

3 (f) A license surcharge of \$100 if during the preceding 12 months the applicant
4 failed to file an annual financial statement required under s. 126.13 (1) (b) by the
5 deadline specified in s. 126.13 (1) (c).

6 (g) A license surcharge of \$100 if a renewal applicant fails to renew a license
7 by the license expiration date of August 31. This paragraph does not apply to a grain
8 dealer who is exempt under sub. (2) and is voluntarily licensed.

9 **(4m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (4) (e) does not
10 relieve the applicant of any other civil or criminal liability that results from the
11 violation of sub. (1), but does not constitute evidence of any law violation.

12 **(5)** LICENSE FOR PART OF YEAR; FEES. A person who applies for an annual grain
13 dealer license after the beginning of a license year shall pay the full annual fee
14 amounts required under sub. (4).

15 **(6)** FEE CREDITS. If the balance in the fund contributed by grain dealers exceeds
16 \$2,000,000 on June 30 of any license year, the department shall credit 50% of the
17 excess amount against fees charged under sub. (4) (b) to contributing grain dealers
18 who file timely license renewal applications for the next license year. The
19 department shall credit each contributing grain dealer on a prorated basis, in
20 proportion to the total fees that the grain dealer paid under sub. (4) (b) for the 4
21 preceding license years.

22 **(7)** FEE STATEMENT. The department shall provide, with each license application
23 form, a written statement of all license fees and surcharges required under sub. (4)
24 or the formula for determining them. The department shall specify any fee credit for
25 which the applicant may qualify under sub. (6).

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1 **(8) NO LICENSE WITHOUT FULL PAYMENT.** The department may not issue an
2 annual license under sub. (1) until the applicant pays all license fees and surcharges
3 identified in the department's statement under sub. (7). The department shall
4 refund a fee or surcharge paid under protest if upon review the department
5 determines that the fee or surcharge is not applicable.

6 **(9) SWORN AND NOTARIZED STATEMENT.** As part of a license application under sub.
7 (3), an applicant shall provide a sworn and notarized statement, signed by the
8 applicant or an officer of the applicant, that reports all of the following:

9 (a) The total amount that the applicant paid, during the applicant's last
10 completed fiscal year, for producer grain procured in this state. If the applicant has
11 not yet operated as a grain dealer in this state, the applicant shall estimate the
12 amount that the applicant will pay during the applicant's first complete fiscal year
13 for producer grain procured in this state.

14 (b) The amount of the payments under par. (a) made under deferred payment
15 contracts.

16 (c) Whether the applicant has had any obligations under deferred payment
17 contracts, for grain procured in this state, at any time since the beginning of the
18 applicant's last completed fiscal year.

19 **(10) ACTION GRANTING OR DENYING APPLICATION.** The department shall grant or
20 deny an application under sub. (3) within 30 days after the department receives a
21 complete application. If the department denies a license application, the department
22 shall give the applicant a written notice stating the reason for the denial.

23 **(11) LICENSE DISPLAYED.** A grain dealer licensed under sub. (1) shall
24 prominently display a copy of that license at the following locations:

25 (a) On each truck that the grain dealer uses to haul grain in this state.

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1 (b) At each business location from which the grain dealer operates in this state.

2 **126.12 Grain dealers; insurance. (1) FIRE AND EXTENDED COVERAGE**
3 INSURANCE. A grain dealer licensed, or required to be licensed, under s. 126.11 shall
4 maintain fire and extended coverage insurance, issued by an insurance company
5 authorized to do business in this state, that covers all grain in the custody of the grain
6 dealer, whether owned by the grain dealer or held for others, at the full local market
7 value of the grain.

8 **(2) INSURANCE CANCELLATION; REPLACEMENT.** Whenever an insurance policy
9 under sub. (1) is canceled, the grain dealer shall replace the policy so that there is
10 no lapse in coverage.

11 **(3) INSURANCE COVERAGE; MISREPRESENTATION.** No grain dealer may
12 misrepresent any of the following to the department or to any grain producer or
13 producer agent:

14 (a) That the grain dealer is insured.

15 (b) The nature, coverage, or material terms of the grain dealer's insurance
16 policy.

17 **126.13 Grain dealers; financial statements. (1) REQUIRED ANNUAL**
18 FINANCIAL STATEMENT. (a) A grain dealer shall file an annual financial statement with
19 the department, before the department first licenses the grain dealer under s. 126.11,
20 if the grain dealer's license application reports any of the following:

21 1. More than \$500,000 in grain payments under s. 126.11 (9) (a).

22 2. Any deferred payment contract obligations under s. 126.11 (9) (c).

23 (b) A grain dealer licensed under s. 126.11 shall file an annual financial
24 statement with the department during each license year if the grain dealer's license
25 application for that year reports any of the following:

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1 1. More than \$500,000 in grain payments under s. 126.11 (9) (a) unless the
2 grain dealer is a contributing grain dealer who procures producer grain in this state
3 solely as a producer agent.

4 2. Any deferred payment contract obligations under s. 126.11 (9) (c).

5 (c) A grain dealer shall file an annual financial statement under par. (b) by the
6 15th day of the 4th month following the close of the grain dealer's fiscal year, except
7 that the department may extend the filing deadline for up to 30 days if the grain
8 dealer, or the accountant reviewing or auditing the financial statement, files a
9 written extension request at least 10 days before the filing deadline.

10 (d) A grain dealer licensed under s. 126.11 may not incur any obligations under
11 deferred payment contracts for grain procured in this state unless the contractor first
12 notifies the department and files an annual financial statement with the
13 department.

14 **(2) VOLUNTARY ANNUAL FINANCIAL STATEMENT.** A contributing grain dealer who
15 is not required to file a financial statement under sub. (1) may file an annual
16 financial statement with the department to qualify for a lower fund assessment
17 under s. 126.15.

18 **(3) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A grain dealer filing an
19 annual financial statement under sub. (1) or (2) shall file an audited financial
20 statement if any of the following applies:

21 1. The grain dealer's license application reports more than \$3,000,000 in
22 payments under s. 126.11 (9) (a).

23 2. The grain dealer's last 2 license applications report more than \$2,000,000
24 in payments under s. 126.11 (9) (a).

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1 (b) If par. (a) does not apply, a grain dealer filing an annual financial statement
2 under sub. (1) or (2) shall file either a reviewed financial statement or an audited
3 financial statement.

4 (4) ACCOUNTING PERIOD. A grain dealer filing an annual financial statement
5 under sub. (1) or (2) shall file a financial statement that covers the grain dealer's last
6 completed fiscal year unless the grain dealer has been in business for less than one
7 year.

8 (4m) INTERIM FINANCIAL STATEMENT. The department may, at any time, require
9 a grain dealer licensed under s. 126.11 to file an interim financial statement with the
10 department. The grain dealer shall provide, with the interim financial statement,
11 the grain dealer's sworn and notarized statement that the financial statement is
12 correct. An interim financial statement need not be a reviewed financial statement
13 or an audited financial statement.

14 (5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. (a) Except as provided in par.
15 (b), a grain dealer filing an annual financial statement under this section shall file
16 a financial statement that is prepared according to generally accepted accounting
17 principles.

18 (b) If a grain dealer is a sole proprietor and the grain dealer's financial
19 statement is not audited, the grain dealer shall file a financial statement that is
20 prepared on a historical cost basis.

21 (6) FINANCIAL STATEMENT CONTENTS. (a) Except as provided in par. (b), a grain
22 dealer filing a financial statement under this section shall file a financial statement
23 that consists of a balance sheet, income statement, equity statement, statement of
24 cash flows, notes to those statements, and any other information required by the
25 department. If the grain dealer is a sole proprietor, the grain dealer shall file his or

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1 her business and personal financial statements. A grain dealer shall disclose on the
2 grain dealer's financial statement, separately and clearly, the grain dealer's unpaid
3 obligations to grain producers and producer agents.

4 (b) If a grain dealer has been in business for less than one year, the grain dealer
5 may file an annual financial statement under sub. (1) or (2) consisting of a balance
6 sheet and notes.

7 (c) A grain dealer filing a financial statement under this section shall include
8 in the financial statement, or in an attachment to the financial statement,
9 calculations of all of the following:

10 1. The grain dealer's current ratio, excluding any assets required to be excluded
11 under sub. (7).

12 2. The grain dealer's debt to equity ratio, excluding any assets required to be
13 excluded under sub. (7).

14 **(7) ASSETS EXCLUDED.** A grain dealer may not include any of the following assets
15 in the calculations under sub. (6) (c) unless the department specifically approves
16 their inclusion:

17 (a) A nontrade note or account receivable from an officer, director, employee,
18 partner, or stockholder, or from a member of the family of any of those individuals,
19 unless the note or account receivable is secured by a first priority security interest
20 in real or personal property.

21 (b) A note or account receivable from a parent organization, a subsidiary, or an
22 affiliate, other than an employee.

23 (c) A note or account that has been receivable for more than one year, unless
24 the grain dealer has established an offsetting reserve for uncollectible notes and
25 accounts receivable.

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1 **(9) ENTITY COVERED.** A person filing a financial statement under this section
2 may not file, in lieu of that person's financial statement, the financial statement of
3 the person's parent organization, subsidiary, predecessor, or successor.

4 **(10) DEPARTMENT REVIEW.** The department may analyze a financial statement
5 submitted under this section and may reject a financial statement that fails to
6 comply with this section.

7 **126.14 Contributing grain dealers; disqualification. (1) CONTRIBUTION**
8 **REQUIRED.** A grain dealer who is required to be licensed under s. 126.11 (1) shall pay
9 fund assessments under s. 126.15 unless the grain dealer is disqualified under sub.
10 (2). A grain dealer who is voluntarily licensed under s. 126.11 may pay voluntary
11 assessments under s. 126.15, unless the grain dealer is disqualified under sub. (2).

12 **(2) DISQUALIFIED GRAIN DEALER. (a)** A grain dealer who is required to file
13 security under s. 126.16 (1) (a) is disqualified from the fund until the department
14 determines that one of the conditions in s. 126.16 (8) (a) 1. and 2. is satisfied.

15 (b) A grain dealer is disqualified from the fund, and required to pay cash on
16 delivery for producer grain, if any of the following occurs:

17 1. The department denies, suspends, or revokes the grain dealer's license.

18 2. The department issues a written notice disqualifying the grain dealer for
19 cause, including failure to pay fund assessments under s. 126.15 when due or failure
20 to file a financial statement under s. 126.13 when due.

21 3. The grain dealer fails to reimburse the department, within 60 days after the
22 department issues a reimbursement demand under s. 126.73 (1), for the full amount
23 that the department pays to claimants under s. 126.72 (1) because of that grain
24 dealer's default.

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1 4. The grain dealer fails to reimburse a bond surety, within 60 days after the
2 bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount
3 that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of
4 claimants affected by that grain dealer's default.

5 **(3) PAYMENTS BY DISQUALIFIED GRAIN DEALER.** (a) The department may not return
6 to a disqualified grain dealer any fund assessments that the grain dealer paid as a
7 contributing grain dealer.

8 (b) A disqualified grain dealer remains liable for any unpaid fund installment
9 under s. 126.15 that became due while the grain dealer was a contributing grain
10 dealer. A disqualified grain dealer is not liable for any fund installment that becomes
11 due after the grain dealer is disqualified under sub. (2).

12 **126.15 Contributing grain dealers; fund assessments.** (1) GENERAL. A
13 contributing grain dealer shall pay an annual fund assessment for each license year.
14 The assessment equals \$20 or the sum of the following, whichever is greater, unless
15 the department by rule specifies a different assessment:

16 (a) The grain dealer's current ratio assessment. The current ratio assessment
17 for a license year equals the grain dealer's current ratio assessment rate under sub.
18 (2) multiplied by the amount reported under s. 126.11 (9) (a) in the grain dealer's
19 license application for that license year.

20 (b) The grain dealer's debt to equity ratio assessment. The debt to equity ratio
21 assessment for a license year equals the grain dealer's debt to equity ratio
22 assessment rate under sub. (4) multiplied by the amount reported under s. 126.11
23 (9) (a) in the grain dealer's license application for that license year.

24 (c) The grain dealer's deferred payment assessment. The deferred payment
25 assessment for a license year equals the grain dealer's deferred payment assessment

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1 rate under sub. (6) multiplied by the payment amount, if any, that the grain dealer
2 reports under s. 126.11 (9) (b) in the grain dealer's license application for that license
3 year.

4 **(2) CURRENT RATIO ASSESSMENT RATE.** A grain dealer's current ratio assessment
5 rate is calculated, at the beginning of the license year, as follows:

6 (a) If the grain dealer has filed an annual financial statement under s. 126.13
7 and that financial statement shows a current ratio of at least 1.25 to 1.0, the grain
8 dealer's current ratio assessment rate equals the greater of zero or the current ratio
9 assessment factor in sub. (3) (a) multiplied by the following amount:

- 10 1. Subtract one from the current ratio.
- 11 2. Divide the amount determined under subd. 1. by 3.
- 12 3. Multiply the amount determined under subd. 2. by negative one.
- 13 4. Raise the amount determined under subd. 3. to the 3rd power.
- 14 5. Subtract 0.75 from the current ratio.
- 15 6. Divide 0.65 by the amount determined under subd. 5.
- 16 7. Raise the amount determined under subd. 6. to the 5th power.
- 17 8. Add the amount determined under subd. 4. to the amount determined under
18 subd. 7.
- 19 9. Add 2 to the amount determined under subd. 8.

20 (b) If the grain dealer has filed an annual financial statement under s. 126.13
21 and that financial statement shows a current ratio of less than 1.25 to 1.0, but greater
22 than 1.0 to 1.0, the grain dealer's current ratio assessment rate equals the current
23 ratio assessment factor in sub. (3) (b) multiplied by the following amount:

- 24 1. Subtract one from the current ratio.
- 25 2. Divide the amount determined under subd. 1. by 3.

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1 3. Multiply the amount determined under subd. 2. by negative one.

2 4. Raise the amount determined under subd. 3. to the 3rd power.

3 5. Subtract 0.75 from the current ratio.

4 6. Divide 0.65 by the amount determined under subd. 5.

5 7. Raise the amount determined under subd. 6. to the 5th power.

6 8. Add the amount determined under subd. 4. to the amount determined under
7 subd. 7.

8 9. Add 2 to the amount determined under subd. 8.

9 (c) If the grain dealer has filed an annual financial statement under s. 126.13
10 and that financial statement shows a current ratio of less than or equal to 1.0 to 1.0,
11 the grain dealer's current ratio assessment rate equals the current ratio assessment
12 factor in sub. (3) (b) multiplied by 120.81376.

13 (d) Except as provided in par. (e), if the grain dealer has not filed an annual
14 financial statement under s. 126.13, the grain dealer's current ratio assessment rate
15 equals the current ratio assessment factor in sub. (3) (b) multiplied by 5.71235.

16 (e) If the grain dealer has not filed an annual financial statement under s.
17 126.13 and the grain dealer procures grain in this state solely as a producer agent,
18 the grain dealer's current ratio assessment rate is 0.00025, except that, for the grain
19 dealer's 5th or higher consecutive full license year of participation in the fund, the
20 grain dealer's current ratio assessment rate is 0.000175.

21 **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A grain dealer's current ratio
22 assessment factor under sub. (2) (a) is 0.00003 except that, for the grain dealer's 5th
23 or higher consecutive full license year as a contributing grain dealer, the grain
24 dealer's current ratio assessment factor is zero.

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1 (b) A grain dealer's current ratio assessment factor under sub. (2) (b) to (d) is
2 0.000045 except that, for the grain dealer's 5th or higher consecutive full license year
3 as a contributing grain dealer, the grain dealer's current ratio assessment factor is
4 0.000036.

5 (4) DEBT TO EQUITY ASSESSMENT RATE. A grain dealer's debt to equity ratio
6 assessment rate is calculated, at the beginning of the license year, as follows:

7 (a) If the grain dealer has filed an annual financial statement under s. 126.13
8 and that financial statement shows positive equity and a debt to equity ratio of not
9 more than 4.0 to 1.0, the grain dealer's debt to equity ratio assessment rate equals
10 the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a)
11 multiplied by the following amount:

- 12 1. Subtract 4 from the debt to equity ratio.
- 13 2. Divide the amount determined under subd. 1. by 3.
- 14 3. Raise the amount determined under subd. 2. to the 3rd power.
- 15 4. Subtract 1.7 from the debt to equity ratio.
- 16 5. Divide the amount determined under subd. 4. by 1.75.
- 17 6. Raise the amount determined under subd. 5. to the 7th power.
- 18 7. Add the amount determined under subd. 3. to the amount determined under
19 subd. 6.
- 20 8. Add 2 to the amount determined under subd. 7.

21 (b) If the grain dealer has filed an annual financial statement under s. 126.13
22 and that financial statement shows a debt to equity ratio of greater than 4.0 to 1.0,
23 but less than 5.0 to 1.0, the grain dealer's debt to equity ratio assessment rate equals
24 the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the following
25 amount:

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- 1 1. Subtract 4 from the debt to equity ratio.
 - 2 2. Divide the amount determined under subd. 1. by 3.
 - 3 3. Raise the amount determined under subd. 2. to the 3rd power.
 - 4 4. Subtract 1.7 from the debt to equity ratio.
 - 5 5. Divide the amount determined under subd. 4. by 1.75.
 - 6 6. Raise the amount determined under subd. 5. to the 7th power.
 - 7 7. Add the amount determined under subd. 3. to the amount determined under
 - 8 subd. 6.
 - 9 8. Add 2 to the amount determined under subd. 7.
- 10 (c) If the grain dealer has filed an annual financial statement under s. 126.13
- 11 and that financial statement shows negative equity or a debt to equity ratio of at least
- 12 5.0 to 1.0, the grain dealer's debt to equity ratio assessment rate equals the debt to
- 13 equity ratio assessment factor in sub. (5) (b) multiplied by 86.8244.
- 14 (d) Except as provided in par. (e), if the grain dealer has not filed an annual
- 15 financial statement under s. 126.13, the grain dealer's debt to equity ratio
- 16 assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)
- 17 multiplied by 8.77374.
- 18 (e) If the grain dealer has not filed an annual financial statement under s.
- 19 126.13 and the grain dealer procures grain in this state solely as a producer agent,
- 20 the grain dealer's debt to equity ratio assessment rate is 0.00025, except that it is
- 21 0.000175 for the grain dealer's 5th or higher consecutive full license year of
- 22 participation in the fund.
- 23 **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A grain dealer's debt to equity
- 24 ratio assessment factor under sub. (4) (a) is 0.0000125, except that it is zero for the

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1 grain dealer's 5th or higher consecutive full license year as a contributing grain
2 dealer.

3 (b) A grain dealer's debt to equity ratio assessment factor under sub. (4) (b) to
4 (d) is 0.00001875, except that it is 0.000015 for the grain dealer's 5th or higher
5 consecutive full license year as a contributing grain dealer.

6 **(6) DEFERRED PAYMENT ASSESSMENT RATE.** A grain dealer's deferred payment
7 assessment rate is 0.0035, except that it is 0.002 for the grain dealer's 5th or higher
8 consecutive full license year as a contributing grain dealer.

9 **(7) QUARTERLY INSTALLMENTS.** (a) A contributing grain dealer shall pay the
10 grain dealer's annual fund assessment in equal quarterly installments that are due
11 as follows:

- 12 1. The first installment is due on October 1 of the license year.
- 13 2. The 2nd installment is due on January 1 of the license year.
- 14 3. The 3rd installment is due on April 1 of the license year.
- 15 4. The 4th installment is due on July 1 of the license year.

16 (b) A contributing grain dealer may prepay any of the quarterly installments
17 under par. (a).

18 (c) A contributing grain dealer who applies for an annual license after the
19 beginning of a license year shall pay the full annual fund assessment required under
20 this section. The grain dealer shall pay, with the first quarterly installment that
21 becomes due after the day on which the department issues the license, all of that
22 year's quarterly installments that became due before that day.

23 (d) A contributing grain dealer who fails to pay the full amount of any quarterly
24 installment when due shall pay, in addition to that installment, a late payment
25 penalty of \$50 or 10% of the overdue installment amount, whichever is greater.

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1 **(8) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the
2 department issues an annual license to a contributing grain dealer, the department
3 shall notify the grain dealer of all of the following:

4 (a) The amount of the grain dealer's annual fund assessment under this
5 section.

6 (b) The amount of each required quarterly installment under sub. (7) and the
7 date by which the grain dealer must pay each installment.

8 (c) The penalty that applies under sub. (7) (d) if the grain dealer fails to pay any
9 quarterly installment when due.

10 **126.16 Grain dealers; security. (1) SECURITY REQUIRED.** (a) A grain dealer
11 shall file security with the department, and maintain that security until the
12 department releases it under sub. (8) (a), if all of the following apply when the
13 department first licenses the grain dealer under s. 126.11:

14 1. The grain dealer reports more than \$500,000 in grain payments under s.
15 126.11 (9) (a).

16 2. The grain dealer files an annual financial statement under s. 126.13 (1) (a)
17 and that financial statement shows negative equity.

18 (b) A grain dealer who reports any deferred payment contract obligations under
19 s. 126.11 (9) (c) or 126.13 (1) (d) shall file security with the department, and maintain
20 that security until the department releases it under sub. (8) (b), unless the grain
21 dealer has positive equity and one of the following applies:

22 1. The grain dealer's annual financial statement under s. 126.13 covers a fiscal
23 year ending on or before January 1, 2006, and shows a debt to equity ratio of not more
24 than 5.0 to 1.0.

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1 2. The grain dealer's annual financial statement under s. 126.13 covers a fiscal
2 year ending after January 1, 2006, and shows a debt to equity ratio of not more than
3 4.0 to 1.0.

4 **(2) SECURITY CONTINUED.** A grain dealer who filed security under ch. 127, 1999
5 stats., before September 1, 2002, shall maintain that security until the department
6 releases it under sub. (8) (c).

7 **(3) AMOUNT OF SECURITY.** A grain dealer who is required to file or maintain
8 security under this section shall at all times maintain security that is at least equal
9 to the sum of the following:

10 (a) An amount equal to 35% of the grain dealer's average monthly payment for
11 the 3 months, during the preceding 12 months, in which the grain dealer made the
12 largest monthly payments for producer grain procured in this state, except that this
13 amount is not required of a contributing grain dealer after December 1, 2002.

14 (b) The grain dealer's highest total, at any time during the preceding 12
15 months, of unpaid obligations for producer grain procured in this state under
16 deferred payment contracts.

17 **(4) FORM OF SECURITY.** The department shall review, and determine whether
18 to approve, security filed or maintained under this section. The department may
19 approve only the following types of security:

20 (a) Currency.

21 (b) A commercial surety bond if all of the following apply:

22 1. The surety bond is made payable to the department for the benefit of grain
23 producers and producer agents.

24 2. The surety bond is issued by a person authorized to operate a surety business
25 in this state.

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1 3. The surety bond is issued as a continuous term bond that may be canceled
2 only with the department's written agreement or upon 90 days' prior written notice
3 served on the department in person or by certified mail.

4 4. The surety bond is issued in a form, and subject to any terms and conditions,
5 that the department considers appropriate.

6 (c) A certificate of deposit or money market certificate if all of the following
7 apply:

8 1. The certificate is issued or endorsed to the department for the benefit of grain
9 producers and producer agents who deliver grain to the grain dealer.

10 2. The certificate may not be canceled or redeemed without the department's
11 written authorization.

12 3. No person may transfer or withdraw funds represented by the certificate
13 without the department's written permission.

14 4. The certificate renews automatically without any action by the department.

15 5. The certificate is issued in a form, and subject to any terms and conditions,
16 that the department considers appropriate.

17 (d) An irrevocable bank letter of credit if all of the following apply:

18 1. The letter of credit is payable to the department for the benefit of grain
19 producers and producer agents.

20 2. The letter of credit is issued on bank letterhead.

21 3. The letter of credit is issued for an initial period of at least one year.

22 4. The letter of credit renews automatically unless at least 90 days before the
23 scheduled renewal date the issuing bank gives the department written notice, in
24 person or by certified mail, that the letter of credit will not be renewed.

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1 5. The letter of credit is issued in a form, and subject to any terms and
2 conditions, that the department considers appropriate.

3 (e) Security filed under ch. 127, 1999 stats., before September 1, 2002, except
4 that on January 1, 2003, the department shall withdraw its approval of any security
5 that is not approvable under pars. (a) to (d).

6 **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,
7 all security filed and maintained under this section. The department shall hold the
8 security for the benefit of grain producers and producer agents who deliver grain to
9 a grain dealer.

10 **(6) MONTHLY REPORTS.** A grain dealer who is required to file or maintain
11 security under this section shall file monthly reports with the department. The grain
12 dealer shall file a report on or before the 10th day of each month, in a form specified
13 by the department. In a monthly report, a grain dealer shall provide information
14 reasonably required by the department, including all of the following:

15 (a) The grain dealer's average monthly payment for the 3 months, during the
16 preceding 12 months, in which the grain dealer made the largest monthly payments
17 for producer grain procured in this state.

18 (b) The grain dealer's highest total unpaid obligations, at any time during the
19 preceding 12 months, for producer grain procured in this state under deferred
20 payment contracts. If the amount owed on deferred price contracts has not yet been
21 determined, the grain dealer shall estimate the amount based on contract terms and
22 prevailing market prices on the last day of the previous month.

23 **(7) ADDITIONAL SECURITY.** (a) The department may, at any time, demand
24 additional security from a grain dealer if any of the following applies:

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1 1. The grain dealer's existing security falls below the amount required under
2 sub. (3) for any reason, including depreciation in the value of the security filed with
3 the department, an increase in grain payments or grain prices, or the cancellation
4 of any security filed with the department.

5 2. The grain dealer fails to provide required information that is relevant to a
6 determination of security requirements.

7 (b) The department shall issue a demand under par. (a) in writing. The
8 department shall indicate why the security is required, the amount of security
9 required, and the deadline date for filing security. The department may not specify
10 a deadline for filing security that is more than 30 days after the date on which the
11 department issues its demand for security.

12 (c) A grain dealer may request a hearing, under ch. 227, on a demand for
13 security under par. (b). A request for hearing does not automatically stay a security
14 demand.

15 (d) If a grain dealer fails to comply with the department's demand for security
16 under this subsection, the grain dealer shall give written notice of that fact to all
17 grain producers and producer agents from whom the grain dealer procures producer
18 grain in this state. If the grain dealer fails to give accurate notice under this
19 paragraph within 5 days after the deadline for filing security under par. (b) has
20 passed, the department shall promptly notify those grain producers and producer
21 agents by publishing a class 3 notice under ch. 985. The department may also give
22 individual notice to those grain producers or producer agents of whom the
23 department is aware.

24 (e) If a grain dealer fails to comply with the department's demand for security
25 under this subsection, the department may do any of the following:

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1 1. Issue a summary order under s. 127.85 (2) that prohibits the grain dealer
2 from procuring producer grain or requires the grain dealer to pay cash on delivery
3 for all producer grain.

4 2. Suspend or revoke the grain dealer's license.

5 **(8) RELEASING SECURITY.** (a) The department may release security filed under
6 sub. (1) (a), except for any amount of security that the grain dealer is required to file
7 because sub. (1) (b) applies to the grain dealer, if any of the following applies:

8 1. The grain dealer reports, for at least 2 consecutive years, no more than
9 \$500,000 in annual grain payments under s. 126.11 (9) (a) and the grain dealer pays
10 the quarterly fund assessment that would have been required of the grain dealer if
11 the grain dealer had been a contributing grain dealer on the most recent quarterly
12 installment date under s. 126.15 (7).

13 2. The grain dealer's annual financial statement under s. 126.13 shows positive
14 equity for at least 2 consecutive years and the grain dealer pays the quarterly fund
15 assessment that would have been required of the grain dealer if the grain dealer had
16 been a contributing grain dealer on the most recent quarterly installment date under
17 s. 126.15 (7).

18 (b) The department may release security filed under sub. (1) (b), except for any
19 amount of security that the grain dealer is required to file because sub. (1) (a) applies
20 to the grain dealer, if any of the following applies:

21 1. The grain dealer has not had any deferred payment contract obligations
22 since the beginning of the grain dealer's last completed fiscal year.

23 2. The grain dealer files 2 consecutive annual financial statements under s.
24 126.13 showing that the grain dealer meets the applicable equity requirement and
25 debt to equity ratio under sub. (1) (b).

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1 (c) On December 1, 2002, the department may release security maintained
2 under sub. (2), unless the grain dealer is required to file security under sub. (1).

3 (d) The department may release security to the extent that the security exceeds
4 the amount required under sub. (3).

5 (e) The department may release security if the grain dealer files alternative
6 security, of equivalent value, that the department approves.

7 (f) The department shall release security if the grain dealer is no longer in
8 business and has paid all grain obligations in full.

9 **126.17 Grain dealers; records. (1) RECORDS AND ACCOUNTS; GENERAL.** A grain
10 dealer shall keep records and accounts of all grain procured and all grain sold or
11 marketed by the grain dealer. A grain dealer shall keep records that are complete,
12 accurate, current, well-organized, and accessible, so that the grain dealer and the
13 department can readily determine all of the following:

14 (a) The kinds and amounts of grain procured, the procurement dates, the
15 procurement terms, and the persons from whom the grain dealer procured the grain.

16 (b) The kinds and amounts of grain sold or marketed, the sale or marketing
17 dates, the sale or marketing terms, and the persons to whom the grain dealer sold
18 or marketed the grain.

19 (c) The kinds and amounts of grain, received from others, that the grain dealer
20 has used for feed, seed, milling, manufacturing, processing, or other purposes.

21 (d) The kinds and amounts of grain, received from others, that the grain dealer
22 has on hand, including the kinds and amounts of grain owned by the grain dealer,
23 and the kinds and amounts of grain held for others.

24 (e) The nature and amount of the grain dealer's obligations to grain producers
25 and producer agents, including obligations deferred payment contracts. The grain

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1 dealer shall keep a daily record of obligations under priced contracts and a separate
2 daily record of obligations under deferred price contracts that have not yet been
3 priced.

4 (f) The nature and amount of the grain dealer's obligations to depositors, as
5 defined in s. 126.25 (5), under agreements for the storage of grain, if any.

6 (g) The grain dealer's accounts receivable from the sale or marketing of grain,
7 including the names of the account debtors, the amount receivable from each account
8 debtor, and the dates on which payment is due.

9 **(2) RECORDS OF GRAIN PROCURED.** A grain dealer shall keep records all of the
10 following related to each shipment of grain procured by the grain dealer:

11 (a) The kind and weight of grain procured.

12 (b) The grade and quality of the grain if determined.

13 (c) The date on which the grain dealer procured the grain.

14 (d) The name and address of the person from whom the grain dealer procured
15 the grain.

16 (e) Whether the grain dealer purchased the grain, holds it under an agreement
17 for storage, or is marketing the grain as a producer agent.

18 (f) The terms of purchase, storage, or marketing.

19 (g) If the grain dealer procured the grain under a deferred payment contract,
20 the terms of that contract.

21 **(3) RECORDS RETENTION; INSPECTION.** (a) A grain dealer shall keep copies of all
22 of the following records for at least 6 years after the records are created:

23 1. Records required under this section and s. 126.18 (2).

24 2. Records that the grain dealer was required to keep, under ch. 127, 1999
25 stats., and department rules, before September 1, 2002.

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1 (b) A grain dealer shall make records required under this section available to
2 the department for inspection and copying upon request.

3 **126.18 Grain dealers; receipts for grain. (1) REQUIREMENT.** Whenever a
4 grain dealer receives grain from any person, the grain dealer shall immediately give
5 that person a written receipt for the grain that includes all of the following:

6 (a) The name of the grain dealer and a statement indicating whether the grain
7 dealer is a corporation.

8 (b) A permanent business address at which the holder of the receipt can readily
9 contact the grain dealer.

10 (c) A statement identifying the document as a receipt for grain.

11 (d) The date on which the grain dealer received the grain.

12 (e) The kind of grain received.

13 (f) The net weight of grain received or, if the grain dealer receives the grain at
14 the grain producer's farm, the approximate net weight of the grain.

15 (g) The grade and quality of the grain, if determined.

16 (h) A statement identifying the receipt as a purchase receipt, storage receipt,
17 or receipt for grain marketed by the grain dealer as a producer agent.

18 (i) The grain dealer's promise to pay the total amount due for grain, less any
19 discounts that may apply, within 7 calendar days after the date of receipt of the grain.

20 This requirement does not apply if any of the following applies:

21 1. The grain dealer pays cash on delivery.

22 2. The grain dealer receives the grain under a deferred payment contract that
23 complies with s. 126.19.

24 3. The receipt is clearly identified as a storage receipt.

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1 **(1m)** EFFECT OF FAILURE TO IDENTIFY RECEIPT. A receipt not clearly identified
2 under sub. (1) (h) is considered a purchase receipt except that, if the grain dealer also
3 operates as a grain warehouse keeper, as defined in s. 126.25 (9), under the same
4 name, a receipt not clearly identified is considered a storage receipt.

5 **(2)** GRAIN DEALER'S COPIES. A grain dealer shall keep copies of all receipts issued
6 under sub. (1).

7 **126.19 Grain dealers; deferred payment contracts. (1)** CONTRACT IN
8 WRITING. A grain dealer may not procure grain from any grain producer or producer
9 agent under a deferred payment contract before the contract is reduced to writing
10 and signed by the parties. The grain dealer shall provide a copy of the signed contract
11 to the other party.

12 **(2)** CONTENTS OF CONTRACT. A grain dealer may not enter into a deferred
13 payment contract unless the deferred payment contract includes all of the following:

14 (a) A unique contract identification number.

15 (b) The type, weight, grade, and quality of grain procured and a statement that
16 price adjustments may apply if delivered grain varies in grade or quality from that
17 identified in the contract.

18 (c) The price for the grain or, in a deferred price contract, the method and
19 deadline by which the price will be determined.

20 (d) The date by which the grain dealer agrees to make full payment for the
21 grain, which may not be more than 180 days after the date on which the contract price
22 is established or more than 180 days after the date on which the grain dealer takes
23 custody or control of the grain, whichever is later.

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1 (dm) If the contract is a deferred price contract, a pricing deadline that is not
2 more than one year after the date on which the grain dealer takes custody or control
3 of the grain.

4 (e) The grain dealer's permanent business location.

5 (f) Other information required under this section.

6 **(3) PAYMENT AND PRICING DEADLINES.** (a) A grain dealer shall make full payment
7 under a deferred payment contract by the deadline date specified in the contract.

8 (b) The parties may not extend a payment or pricing deadline under sub. (2)
9 (d) or (dm), except that they may sign a new contract that extends either deadline
10 or both deadlines for up to 180 days if the new contract refers to the contract number
11 of the original contract.

12 **(4) REQUIRED NOTICE.** A grain dealer may not enter into a deferred payment
13 contract unless the deferred payment contract clearly discloses that it is not a storage
14 contract. Whenever a grain dealer buys grain from a grain producer under a deferred
15 payment contract, the grain dealer shall include the following statement in
16 capitalized, boldface print immediately above the contract signature line: "This is
17 not a storage contract. The grain dealer (buyer) becomes the owner of any grain that
18 the producer (seller) delivers to the grain dealer under this contract. The producer
19 relinquishes ownership and control of the grain, and becomes an unsecured creditor
20 pending payment."

21 **(5) DEFERRED PAYMENT CONTRACT ASSESSMENT.** From the amount that a grain
22 dealer pays to a grain producer or producer agent under a deferred payment contract,
23 the grain dealer shall deduct a deferred payment contract assessment. The
24 assessment shall equal the total amount owed under the contract before the
25 assessment is deducted, multiplied by the deferred payment assessment rate that

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1 applies under s. 126.15 (6) when the contract is made. The grain dealer shall disclose
2 the assessment amount or, if the contract is a deferred price contract, the method by
3 which the assessment amount will be determined, in the written contract under sub.
4 (1).

5 **126.20 Grain dealers; business practices. (1) GRAIN WEIGHT, GRADE, AND**
6 **QUALITY.** A grain dealer shall do all of the following when determining the weight,
7 grade, or quality of grain:

8 (a) Accurately determine the weight, grade, or quality using accurate weighing,
9 testing, or grading equipment.

10 (b) Accurately record the determined weight, grade, or quality.

11 **(2) TIMELY PAYMENT TO PRODUCERS.** A grain dealer shall pay for grain when
12 payment is due. A grain dealer may not make payment by nonnegotiable check or
13 note or by check drawn on an account containing insufficient funds.

14 **(3) PERMANENT BUSINESS LOCATION.** A grain dealer licensed under s. 126.11 shall
15 do all of the following:

16 (a) Maintain a permanent business address at which grain producers may
17 readily contact the grain dealer during business hours.

18 (b) On each day that the Chicago Board of Trade is open for trading, keep
19 business hours that start no later than 9 a.m. and end no earlier than 2:30 p.m.

20 (c) Prominently post the grain dealer's business hours at each of the grain
21 dealer's business locations in this state.

22 **(4) PROHIBITED PRACTICES.** No grain dealer may do any of the following:

23 (a) Misrepresent the weight, grade, or quality of grain received from or
24 delivered to any person.

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1 (b) Falsify any record or account, or conspire with any other person to falsify
2 a record or account.

3 (c) Make any false or misleading representation to the department.

4 (d) If the grain dealer is licensed under s. 126.11, engage in any activity that
5 is inconsistent with a representation made in the grain dealer's annual license
6 application.

7 (e) Make any false or misleading representation to a grain producer or producer
8 agent related to any matters regulated under this chapter.

9 (f) Fail to file the full amount of security required under s. 126.16 (7) by the date
10 that the department specifies.

11 **126.21 Grain producer obligations. (1) DELIVERY PER CONTRACT.** No grain
12 producer or producer agent who contracts to sell and deliver grain to a grain dealer
13 at an agreed price may wrongfully refuse to deliver that grain according to the
14 contract.

15 **(2) DISCLOSURE OF LIENS AND SECURITY INTERESTS.** A grain dealer procuring grain
16 from a grain producer or producer agent may require the grain producer or producer
17 agent to disclose any liens or security interests that apply to the grain. The grain
18 dealer may require the disclosure in writing. The grain dealer may require the grain
19 producer or producer agent to specify the nature and amount of each lien or security
20 interest and the identity of the person holding that lien or security interest. No grain
21 producer may falsify or fraudulently withhold information required under this
22 subsection in order to sell grain.

23 **SUBCHAPTER IV**

24 **GRAIN WAREHOUSE KEEPERS**

25 **126.25 Definitions.** In this subchapter:

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1 **(1)** “Capacity” means the maximum amount of grain, measured in bushels,
2 that can be stored in a grain warehouse. The capacity of a grain warehouse is
3 determined by dividing the cubic volume of all bins, expressed in cubic feet, by 1.244
4 cubic feet per bushel, and applying a pack factor that the department specifies by
5 rule.

6 **(2)** “Contributing grain warehouse keeper” means a grain warehouse keeper
7 who is licensed under s. 126.26, who either has paid one or more quarterly
8 installments under s. 126.30 (6) or is required to contribute to the fund, but the first
9 quarterly installment under s. 126.30 (6) is not yet due, and who is not disqualified
10 under s. 126.29 (2).

11 **(3)** “Current ratio” means the ratio of the value of current assets to the value
12 of current liabilities, calculated according to s. 126.28 (6) (c) 1.

13 **(4)** “Debt to equity ratio” means the ratio of the value of liabilities to equity,
14 calculated according to s. 126.28 (6) (c) 2.

15 **(5)** “Depositor” means any of the following:

16 (a) A person who delivers grain to a grain warehouse keeper for storage,
17 conditioning, shipping, or handling, without transferring ownership to the
18 warehouse keeper.

19 (b) A person who owns or legally holds a warehouse receipt or other document
20 that is issued by a grain warehouse keeper and that entitles the person to receive
21 stored grain.

22 **(6)** “Disqualified grain warehouse keeper” means a grain warehouse keeper
23 who is disqualified from the fund under s. 126.29 (2).

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1 (8) “Grain warehouse” means a facility in this state that is used to receive,
2 store, or condition grain for others or that is used in the shipment of grain for others,
3 except that “grain warehouse” does not include a transport vehicle.

4 (9) “Grain warehouse keeper” means a person who operates one or more grain
5 warehouses in this state to receive, store, condition, or ship grain for others, except
6 that “grain warehouse keeper” does not include a person licensed under the United
7 States Warehouse Act, 7 USC 241 to 271.

8 (9m) “License year” means the period beginning on September 1 and ending
9 on the following August 31.

10 (11) “Warehouse receipt” means a receipt for grain, issued by a grain
11 warehouse keeper, that is also a document of title under s. 401.201 (15).

12 **126.26 Grain warehouse keepers; licensing. (1) LICENSE REQUIRED.** (a)
13 No grain warehouse keeper may hold at any time more than 50,000 bushels of grain
14 for others without a current annual license from the department. A grain warehouse
15 keeper who has grain warehouses with a combined capacity of more than 50,000
16 bushels shall obtain a license unless the grain warehouse keeper proves to the
17 department that the grain warehouse keeper holds no more than 50,000 bushels of
18 grain for others at any time.

19 (b) A license under par. (a) expires on the August 31 following its issuance. No
20 person may transfer or assign a license issued under par. (a).

21 **(2) LICENSE APPLICATION.** A person shall apply for a grain warehouse keeper
22 license in writing, on a form provided by the department. The applicant shall provide
23 all of the following:

24 (a) The applicant’s legal name and any trade name under which the applicant
25 proposes to operate as a grain warehouse keeper.

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1 (b) A statement of whether the applicant is an individual, corporation,
2 partnership, cooperative, limited liability company, trust, or other legal entity. If the
3 applicant is a corporation or cooperative, the applicant shall identify each officer of
4 the corporation or cooperative. If the applicant is a partnership, the applicant shall
5 identify each partner.

6 (c) The mailing address of the applicant's primary business location and the
7 name of a responsible individual who may be contacted at that location.

8 (d) The street address and capacity of every grain warehouse that the applicant
9 operates or proposes to operate in this state and the name of a responsible individual
10 who may be contacted at each warehouse.

11 (e) The combined capacity of all grain warehouses identified under par. (d).

12 (f) All license fees and surcharges required under sub. (3).

13 (g) Proof that the applicant is insured as required under s. 126.27, unless the
14 applicant has previously filed proof that remains current. The proof may consist of
15 a certification provided by an insurance company licensed to do business in this
16 state.

17 (h) A financial statement if required under s. 126.28 (1) and not yet filed.

18 (i) Other relevant information required by the department.

19 **(3) LICENSE FEES AND SURCHARGES.** A person applying for a grain warehouse
20 keeper license shall pay the following fees and surcharges, unless the department
21 specifies a different fee or surcharge amount by rule:

22 (a) A nonrefundable license processing fee of \$25 plus \$25 for each grain
23 warehouse identified under sub. (2) (d). If a grain warehouse keeper operates 2 or
24 more grain warehouses located within 0.5 mile of each other, the grain warehouse

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1 keeper may treat those grain warehouses as a single grain warehouse for purposes
2 of this paragraph and par. (c).

3 (b) The following inspection fee, less any credit provided under sub. (5):

4 1. A fee of \$500 if the combined capacity of the applicant's grain warehouses
5 is less than 150,000 bushels.

6 2. A fee of \$550 if the combined capacity of the applicant's grain warehouses
7 is at least 150,000 bushels but less than 250,000 bushels.

8 3. A fee of \$600 if the combined capacity of the applicant's grain warehouses
9 is at least 250,000 bushels but less than 500,000 bushels.

10 4. A fee of \$650 if the combined capacity of the applicant's grain warehouses
11 is at least 500,000 bushels but less than 750,000 bushels.

12 5. A fee of \$700 if the combined capacity of the applicant's grain warehouses
13 is at least 750,000 bushels but less than 1,000,000 bushels.

14 6. A fee of \$800 if the combined capacity of the applicant's grain warehouses
15 is at least 1,000,000 bushels but less than 2,000,000 bushels.

16 7. A fee of \$900 if the combined capacity of the applicant's grain warehouses
17 is at least 2,000,000 bushels but less than 3,000,000 bushels.

18 8. A fee of \$1,000 if the combined capacity of the applicant's grain warehouses
19 is at least 3,000,000 bushels but less than 4,000,000 bushels.

20 9. A fee of \$1,100 if the combined capacity of the applicant's grain warehouses
21 is 4,000,000 bushels or more.

22 (c) A supplementary inspection fee of \$275 for each grain warehouse that the
23 applicant operates in excess of one grain warehouse.

24 (d) A license surcharge of \$500 if the department determines that, within 365
25 days before submitting the license application, the applicant operated as a grain

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1 warehouse keeper without a license in violation of sub. (1). The applicant shall also
2 pay any license fees, license surcharges, and fund assessments that are still due for
3 the license year in which the applicant violated sub. (1).

4 (e) A license surcharge of \$100 if during the preceding 12 months the applicant
5 failed to file an annual financial statement required under s. 126.28 (1) (b) by the
6 applicable deadline.

7 (f) A license surcharge of \$100 if a renewal applicant fails to renew a license
8 by the license expiration date of August 31.

9 **(3m) EFFECT OF PAYMENT OF SURCHARGE.** Payment under sub. (3) (d) does not
10 relieve the applicant of any other civil or criminal liability that results from the
11 violation of sub. (1), but does not constitute evidence of any law violation.

12 **(4) LICENSE FOR PART OF YEAR; FEES.** A person who applies for an annual grain
13 warehouse keeper license after the beginning of a license year shall pay the full
14 annual fee amounts required under sub. (3).

15 **(5) FEE CREDIT.** If the fund balance contributed by grain warehouse keepers
16 exceeds \$300,000 on June 30 of any license year, the department shall credit 12.5%
17 of the excess amount against fees charged under sub. (3) (b) to contributing grain
18 warehouse keepers who file timely license renewal applications for the next license
19 year. The department shall credit each contributing grain warehouse keeper on a
20 prorated basis, in proportion to the total fees that the warehouse keeper has paid
21 under sub. (3) (b) for the 4 preceding license years.

22 **(6) FEE STATEMENT.** The department shall provide, with each license application
23 form, a written statement of all license fees and surcharges required under sub. (3)
24 or the formula for determining them. The department shall specify any fee credit for
25 which the applicant may qualify under sub. (5).

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1 **(7) NO LICENSE WITHOUT FULL PAYMENT.** The department may not grant a license
2 under sub. (1) until the applicant pays all license fees and surcharges identified in
3 the department's statement under sub. (6). The department shall refund a fee or
4 surcharge paid under protest if upon review the department determines that the fee
5 or surcharge is not applicable.

6 **(8) ACTION GRANTING OR DENYING APPLICATION.** The department shall grant or
7 deny a license application under sub. (2) within 30 days after the department
8 receives a complete application. If the department denies a license application, the
9 department shall give the applicant a written notice stating the reasons for the
10 denial.

11 **(9) LICENSE DISPLAYED.** A grain warehouse keeper who is required to hold a
12 license under sub. (1) shall prominently display a copy of that license at each grain
13 warehouse.

14 **(10) NOTIFICATION.** A licensed warehouse keeper shall notify the department,
15 in writing, before the warehouse keeper adds a grain warehouse or changes the
16 location or capacity of any grain warehouse. In the notice, the grain warehouse
17 keeper shall specify any change in the combined capacity of grain warehouses
18 operated by the grain warehouse keeper resulting from the proposed addition or
19 change.

20 **126.27 Grain warehouse keepers; insurance. (1) FIRE AND EXTENDED**
21 **COVERAGE INSURANCE.** A grain warehouse keeper licensed under s. 126.26 (1) shall
22 maintain fire and extended coverage insurance, issued by an insurance company
23 authorized to do business in this state, that covers all grain in the custody of the grain
24 warehouse keeper, whether owned by the grain warehouse keeper or held for others,
25 at the full local market value of the grain.

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1 **(2) INSURANCE CANCELLATION; REPLACEMENT.** (a) No person may cancel an
2 insurance policy required under sub. (1) unless that person serves a written notice
3 of the intended cancellation on the department at least 30 days before the
4 cancellation takes effect.

5 (b) Whenever an insurance policy under sub. (1) is canceled, the grain
6 warehouse keeper shall replace the policy so that there is no lapse in coverage.
7 Within 20 days after a cancellation notice under par. (a) is served on the department,
8 and at least 10 days before the cancellation takes effect, the grain warehouse keeper
9 shall provide the department with proof of the replacement policy. The department
10 may accept, as proof, a certification provided by an insurance company licensed to
11 do business in this state.

12 **(3) INSURANCE DEDUCTIBLES.** An insurance policy does not comply with sub. (1)
13 if it contains any deductible clause that limits the insurer's obligation to pay to each
14 depositor the full value of the depositor's covered losses under the policy. The grain
15 warehouse keeper may agree to indemnify the insurer for a portion of each depositor
16 claim that the insurer pays under the policy if the agreement does not limit the
17 insurer's obligation to pay each depositor the full amount of the depositor's covered
18 losses.

19 **(4) INSURANCE DISCLOSURES.** A grain warehouse keeper licensed under s. 126.26
20 (1) shall disclose all of the following to a depositor if the depositor requests that
21 information:

22 (a) The material terms of the grain warehouse keeper's fire and extended
23 coverage insurance policy under sub. (1).

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1 (b) Whether the grain warehouse keeper has liability insurance covering the
2 grain warehouse keeper's grain operations, and the material terms of that liability
3 insurance policy.

4 **(5) INSURANCE COVERAGE; MISREPRESENTATION.** No grain warehouse keeper may
5 misrepresent any of the following to the department or a depositor:

6 (a) That the grain warehouse keeper is insured.

7 (b) The nature, coverage, or material terms of the grain warehouse keeper's
8 insurance policy.

9 **126.28 Grain warehouse keepers; financial statements. (1) REQUIRED**
10 **ANNUAL FINANCIAL STATEMENT.** (a) A grain warehouse keeper shall file an annual
11 financial statement with the department before the department first licenses the
12 warehouse keeper under s. 126.26 (1), if the warehouse keeper operates grain
13 warehouses with a combined capacity of more than 300,000 bushels.

14 (b) A grain warehouse keeper licensed under s. 126.26 (1) shall file an annual
15 financial statement with the department during each license year if the grain
16 warehouse keeper operates warehouses with a combined capacity of more than
17 300,000 bushels. The grain warehouse keeper shall file the annual financial
18 statement by the 15th day of the 4th month following the close of the grain warehouse
19 keeper's fiscal year, except that the department may extend the annual filing
20 deadline for up to 30 days if the grain warehouse keeper, or the accountant reviewing
21 or auditing the financial statement, files a written extension request at least 10 days
22 before the filing deadline.

23 **(2) VOLUNTARY ANNUAL FINANCIAL STATEMENT.** A contributing grain warehouse
24 keeper who is not required to file an annual financial statement under sub. (1) may

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1 file an annual financial statement with the department in order to qualify for a lower
2 fund assessment under s. 126.30.

3 **(3) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A grain warehouse keeper
4 filing an annual financial statement under sub. (1) or (2) shall file an audited
5 financial statement if the warehouse keeper operates grain warehouses with a
6 combined capacity of more than 500,000 bushels.

7 (b) If par. (a) does not apply, a grain warehouse keeper filing an annual financial
8 statement under sub. (1) or (2) shall file either a reviewed financial statement or an
9 audited financial statement.

10 **(4) ACCOUNTING PERIOD.** A grain warehouse keeper filing an annual financial
11 statement under sub. (1) or (2) shall file a financial statement that covers the grain
12 warehouse keeper's last completed fiscal year unless the grain warehouse keeper has
13 been in business for less than one year.

14 **(4m) INTERIM FINANCIAL STATEMENT.** The department may, at any time, require
15 a grain warehouse keeper licensed under s. 126.26 (1) to file an interim financial
16 statement with the department. The grain warehouse keeper shall provide, with the
17 interim financial statement, the warehouse keeper's sworn and notarized statement
18 that the financial statement is correct. An interim financial statement need not be
19 a reviewed financial statement or an audited financial statement.

20 **(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** (a) Except as provided in par.
21 (b), a grain warehouse keeper filing an annual financial statement under this section
22 shall file a financial statement that is prepared according to generally accepted
23 accounting principles.

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1 (b) If a grain warehouse keeper is a sole proprietor and the grain warehouse
2 keeper's financial statement is not audited, the grain warehouse keeper shall file a
3 financial statement that is prepared on a historical cost basis.

4 **(6) FINANCIAL STATEMENT CONTENTS.** (a) Except as provided in par. (b), a grain
5 warehouse keeper filing a financial statement under this section shall file a financial
6 statement that consists of a balance sheet, income statement, equity statement,
7 statement of cash flows, notes to those statements, and any other information
8 required by the department. A grain warehouse keeper who is a sole proprietor shall
9 file his or her business and personal financial statements.

10 (b) If a grain warehouse keeper has been in business for less than one year, the
11 grain warehouse keeper may file an annual financial statement under sub. (1) or (2)
12 that consists of a balance sheet and notes.

13 (c) A grain warehouse keeper filing a financial statement under this section
14 shall include in the financial statement, or in an attachment to the financial
15 statement, calculations of all of the following:

16 1. The grain warehouse keeper's current ratio, excluding any assets required
17 to be excluded under sub. (7).

18 2. The grain warehouse keeper's debt to equity ratio, excluding any assets
19 required to be excluded under sub. (7).

20 **(7) ASSETS EXCLUDED.** A grain warehouse keeper may not include any of the
21 following assets in calculating the ratios under sub. (6) (c), unless the department
22 specifically approves their inclusion:

23 (a) A nontrade note or account receivable from an officer, director, employee,
24 partner, or stockholder, or from a member of the family of any of those individuals,

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1 unless the note or account receivable is secured by a first priority security interest
2 in real or personal property.

3 (b) A note or account receivable from a parent organization, a subsidiary, or an
4 affiliate other than an employee.

5 (c) A note or account that has been receivable for more than one year, unless
6 the grain warehouse keeper has established an equal offsetting reserve for
7 uncollectible notes and accounts receivable.

8 **(9) ENTITY COVERED.** A person filing a financial statement under this section
9 may not file, in lieu of that person's financial statement, the financial statement of
10 the person's parent organization, subsidiary, predecessor, or successor.

11 **(10) DEPARTMENT REVIEW.** The department may analyze a financial statement
12 submitted under this section and may reject a financial statement that fails to
13 comply with this section.

14 **126.29 Contributing grain warehouse keepers; disqualification. (1)**
15 **CONTRIBUTION REQUIRED.** A grain warehouse keeper licensed under s. 126.26 (1) shall
16 pay fund assessments under s. 126.30 unless the grain warehouse keeper is
17 disqualified under sub. (2).

18 **(2) DISQUALIFIED WAREHOUSE KEEPER.** (a) A grain warehouse keeper who is
19 required to file security under s. 126.31 (1) is disqualified from the fund until the
20 department releases that security under s. 126.31 (8) (a).

21 (b) A grain warehouse keeper is disqualified from the fund if the department
22 denies, suspends, or revokes the grain warehouse keeper's license.

23 **(3) PAYMENTS BY DISQUALIFIED GRAIN WAREHOUSE KEEPER.** (a) The department
24 may not return, to a disqualified grain warehouse keeper, any fund assessments that
25 the warehouse keeper paid as a contributing grain warehouse keeper.

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1 (b) A disqualified grain warehouse keeper remains liable for any unpaid fund
2 installment under s. 126.30 that became due while the grain warehouse keeper was
3 a contributing grain warehouse keeper. A disqualified grain warehouse keeper is not
4 liable for any fund installment that becomes due after the grain warehouse keeper
5 is disqualified under sub. (2).

6 **126.30 Grain warehouse keepers; fund assessments. (1) GENERAL.** A
7 contributing grain warehouse keeper shall pay an annual fund assessment for each
8 license year. The assessment equals \$20 or the sum of the following, whichever is
9 greater, unless the department by rule specifies a different assessment:

10 (a) The grain warehouse keeper's current ratio assessment. The current ratio
11 assessment for a license year is the amount, expressed as dollars, equal to the grain
12 warehouse keeper's current ratio assessment rate under sub. (2) multiplied by the
13 number of bushels that the grain warehouse keeper reports under s. 126.26 (2) (e)
14 or (10).

15 (b) The warehouse keeper's debt to equity ratio assessment. The debt to equity
16 ratio assessment for each license year is the amount, expressed as dollars, equal to
17 the grain warehouse keeper's debt to equity ratio assessment rate under sub. (4)
18 multiplied by the number of bushels that the warehouse keeper reports under s.
19 126.26 (2) (e) or (10).

20 **(2) CURRENT RATIO ASSESSMENT RATE.** A grain warehouse keeper's current ratio
21 assessment rate is calculated, at the beginning of the license year, as follows:

22 (a) If the grain warehouse keeper has filed an annual financial statement
23 under s. 126.28 and that financial statement shows a current ratio of at least 1.25
24 to 1.0, the grain warehouse keeper's current ratio assessment rate equals the greater

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1 of zero or the current ratio assessment factor in sub. (3) (a) multiplied by an amount
2 determined as follows:

- 3 1. Subtract one from the current ratio.
- 4 2. Divide the amount determined under subd. 1. by 3.
- 5 3. Multiply the amount determined under subd. 2. by negative one.
- 6 4. Raise the amount determined under subd. 3. to the 3rd power.
- 7 5. Subtract 0.75 from the current ratio.
- 8 6. Divide 0.65 by the amount determined under subd. 5.
- 9 7. Raise the amount determined under subd. 6. to the 5th power.
- 10 8. Add the amount determined under subd. 4. to the amount determined under
11 subd. 7.
- 12 9. Add 2 to the amount determined under subd. 8.

13 (b) If the grain warehouse keeper has filed an annual financial statement
14 under s. 126.28 and that financial statement shows a current ratio of less than 1.25
15 to 1.0, but greater than 1.0 to 1.0, the grain warehouse keeper's current ratio
16 assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied
17 by the following amount:

- 18 1. Subtract one from the current ratio.
- 19 2. Divide the amount determined under subd. 1. by 3.
- 20 3. Multiply the amount determined under subd. 2. by negative one.
- 21 4. Raise the amount determined under subd. 3. to the 3rd power.
- 22 5. Subtract 0.75 from the current ratio.
- 23 6. Divide 0.65 by the amount determined under subd. 5.
- 24 7. Raise the amount determined under subd. 6. to the 5th power.

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1 8. Add the amount determined under subd. 4. to the amount determined under
2 subd. 7.

3 9. Add 2 to the amount determined under subd. 8.

4 (c) If the grain warehouse keeper has filed an annual financial statement under
5 s. 126.28 and that financial statement shows a current ratio of less than or equal to
6 1.0 to 1.0, the warehouse keeper's current ratio assessment rate equals the current
7 ratio assessment factor in sub. (3) (b) multiplied by 120.81376.

8 (d) If the grain warehouse keeper has not filed an annual financial statement
9 under s. 126.28, the warehouse keeper's current ratio assessment rate equals the
10 current ratio assessment factor in sub. (3) (b) multiplied by 5.71235.

11 **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A grain warehouse keeper's current
12 ratio assessment factor under sub. (2) (a) is 0.00003 except that, for the grain
13 warehouse keeper's 5th or higher consecutive full license year as a contributing grain
14 warehouse keeper, the grain warehouse keeper's current ratio assessment factor is
15 zero.

16 (b) A grain warehouse keeper's current ratio assessment factor under sub. (2)
17 (b) to (d) is 0.000045 except that, for the grain warehouse keeper's 5th or higher
18 consecutive full license year as a contributing grain warehouse keeper, the grain
19 warehouse keeper's current ratio assessment factor is 0.000036.

20 **(4) DEBT TO EQUITY RATIO ASSESSMENT RATE.** A grain warehouse keeper's debt to
21 equity ratio assessment rate is calculated, at the beginning of the license year, as
22 follows:

23 (a) If the grain warehouse keeper has filed an annual financial statement
24 under s. 126.28 and that financial statement shows positive equity and a debt to
25 equity ratio of not more than 4.0 to 1.0, the grain warehouse keeper's debt to equity

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1 ratio assessment rate equals the greater of zero or the debt to equity ratio assessment
2 factor in sub. (5) (a) multiplied by the following amount:

- 3 1. Subtract 4 from the debt to equity ratio.
- 4 2. Divide the amount determined under subd. 1. by 3.
- 5 3. Raise the amount determined under subd. 2. to the 3rd power.
- 6 4. Subtract 1.7 from the debt to equity ratio.
- 7 5. Divide the amount determined under subd. 4. by 1.75.
- 8 6. Raise the amount determined under subd. 5. to the 7th power.
- 9 7. Add the amount determined under subd. 3. to the amount determined under
10 subd. 6.
- 11 8. Add 2 to the amount determined under subd. 7.

12 (b) If the grain warehouse keeper has filed an annual financial statement
13 under s. 126.28 and that financial statement shows a debt to equity ratio of greater
14 than 4.0 to 1.0 but less than 5.0 to 1.0, the grain warehouse keeper's debt to equity
15 ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)
16 multiplied by the following amount:

- 17 1. Subtract 4 from the debt to equity ratio.
- 18 2. Divide the amount determined under subd. 1. by 3.
- 19 3. Raise the amount determined under subd. 2. to the 3rd power.
- 20 4. Subtract 1.7 from the debt to equity ratio.
- 21 5. Divide the amount determined under subd. 4. by 1.75.
- 22 6. Raise the amount determined under subd. 5. to the 7th power.
- 23 7. Add the amount determined under subd. 3. to the amount determined under
24 subd. 6.
- 25 8. Add 2 to the amount determined under subd. 7.

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1 (c) If the grain warehouse keeper has filed an annual financial statement under
2 s. 126.28 and that financial statement shows negative equity or a debt to equity ratio
3 of at least 5.0 to 1.0, the grain warehouse keeper's debt to equity ratio assessment
4 rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by
5 86.8244.

6 (d) If the grain warehouse keeper has not filed an annual financial statement
7 under s. 126.28, the grain warehouse keeper's debt to equity ratio assessment rate
8 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 8.77374.

9 **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A grain warehouse keeper's
10 debt to equity ratio assessment factor under sub. (4) (a) is 0.0000125, except that it
11 is zero for the grain warehouse keeper's 5th or higher consecutive full license year
12 as a contributing grain warehouse keeper.

13 (b) A grain warehouse keeper's debt to equity ratio assessment factor under
14 sub. (4) (b) to (d) is 0.00001875, except that it is 0.000015 for the grain warehouse
15 keeper's 5th or higher consecutive full license year as a contributing grain warehouse
16 keeper.

17 **(6) QUARTERLY INSTALLMENTS.** (a) A contributing grain warehouse keeper shall
18 pay the grain warehouse keeper's annual fund assessment in equal quarterly
19 installments that are due as follows:

- 20 1. The first installment is due on October 1 of the license year.
- 21 2. The 2nd installment is due on January 1 of the license year.
- 22 3. The 3rd installment is due on April 1 of the license year.
- 23 4. The 4th installment is due on July 1 of the license year.

24 (b) A contributing grain warehouse keeper may prepay any of the quarterly
25 installments under par. (a).

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1 (c) A contributing grain warehouse keeper who applies for an annual license
2 after the beginning of a license year shall pay the full annual fund assessment
3 required under this section. The grain warehouse keeper shall pay, with the first
4 quarterly installment that becomes due after the day on which the department
5 issues the license, all of the quarterly installments that were due before that day.

6 (d) A contributing grain warehouse keeper who fails to pay the full amount of
7 any quarterly installment when due shall pay, in addition to that installment, a late
8 payment penalty of \$50 or 10% of the overdue installment amount, whichever is
9 greater.

10 **(7) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the
11 department issues an annual license to a contributing grain warehouse keeper, the
12 department shall notify the grain warehouse keeper of all of the following:

13 (a) The amount of the grain warehouse keeper's annual fund assessment under
14 this section.

15 (b) The amount of each required quarterly installment under sub. (6), and the
16 date by which the grain warehouse keeper must pay each installment.

17 (c) The penalty that applies under sub. (6) (d) if the grain warehouse keeper
18 fails to pay any quarterly installment when due.

19 **126.31 Grain warehouse keepers; security. (1) SECURITY REQUIRED.** A
20 grain warehouse keeper shall file security with the department, and maintain that
21 security until the department releases it under sub. (8), if all of the following apply
22 when the department first licenses the grain warehouse keeper under s. 126.26 (1):

23 (a) The grain warehouse keeper operates grain warehouses with a combined
24 capacity of more than 300,000 bushels.

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1 (b) The grain warehouse keeper's annual financial statement under s. 126.28

2 (1) (a) shows negative equity.

3 (2) SECURITY CONTINUED. A grain warehouse keeper who filed security under
4 ch. 127, 1999 stats., before September 1, 2002, shall maintain that security until the
5 department releases it under sub. (8).

6 (3) AMOUNT OF SECURITY. A grain warehouse keeper who is required to file or
7 maintain security under this section shall at all times maintain security equal to at
8 least 20% of the current local market value of grain that the grain warehouse keeper
9 holds in this state for others.

10 (4) FORM OF SECURITY. The department shall review, and determine whether
11 to approve, security filed or maintained under this section. The department may
12 approve only the following types of security:

13 (a) Currency.

14 (b) A commercial surety bond if all of the following apply:

15 1. The surety bond is made payable to the department for the benefit of
16 depositors.

17 2. The surety bond is issued by a person authorized to operate a surety business
18 in this state.

19 3. The surety bond is issued as a continuous term bond that may be canceled
20 only with the department's written agreement, or upon 90 days' prior written notice
21 served on the department in person or by certified mail.

22 4. The surety bond is issued in a form, and subject to any terms and conditions,
23 that the department considers appropriate.

24 (c) A certificate of deposit or money market certificate, if all of the following
25 apply:

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1 1. The certificate is issued or endorsed to the department for the benefit of
2 depositors.

3 2. The certificate may not be canceled or redeemed without the department's
4 written permission.

5 3. No person may transfer or withdraw funds represented by the certificate
6 without the department's written permission.

7 4. The certificate renews automatically without any action by the department.

8 5. The certificate is issued in a form, and subject to any terms and conditions,
9 that the department considers appropriate.

10 (d) An irrevocable bank letter of credit if all of the following apply:

11 1. The letter of credit is payable to the department for the benefit of depositors.

12 2. The letter of credit is issued on bank letterhead.

13 3. The letter of credit is issued for an initial period of at least one year.

14 4. The letter of credit renews automatically unless at least 90 days before the
15 scheduled renewal date the issuing bank gives the department written notice, in
16 person or by certified mail, that the letter of credit will not be renewed.

17 5. The letter of credit is issued in a form, and subject to any terms and
18 conditions, that the department considers appropriate.

19 (e) Security filed under ch. 127, 1999 stats., before September 1, 2002, except
20 that on January 1, 2003, the department shall withdraw its approval of any security
21 that is not approvable under pars. (a) to (d).

22 **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,
23 all security filed and maintained under this section. The department shall hold the
24 security for the benefit of depositors.

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1 **(6) ADDITIONAL SECURITY.** (a) The department may, at any time during a license
2 year, demand additional security from a grain warehouse keeper if any of the
3 following applies:

4 1. The grain warehouse keeper's existing security falls below the amount
5 required under sub. (3) for any reason, including depreciation in the value of the
6 security, increased obligations to depositors, or the cancellation of any security filed
7 with the department.

8 2. The grain warehouse keeper fails to provide required information that is
9 relevant to a determination of security requirements.

10 (b) The department shall issue a demand under par. (a) in writing. The
11 department shall indicate why additional security is required, the amount of
12 security required, and the deadline date for filing security. The department may not
13 specify a deadline for filing security that is more than 30 days after the date on which
14 the department issues its demand for security.

15 (c) A grain warehouse keeper may request a hearing, under ch. 227, on a
16 demand for security under par. (b). A request for hearing does not automatically stay
17 a security demand.

18 (d) If a grain warehouse keeper fails to comply with the department's demand
19 for security under this subsection, the grain warehouse keeper shall give written
20 notice of that fact to all depositors. If the grain warehouse keeper fails to give
21 accurate notice under this paragraph within 5 days after the deadline for filing
22 security under par. (b) has passed, the department shall promptly notify depositors
23 by publishing a class 3 notice under ch. 985. The department may also give
24 individual notice to depositors of whom the department is aware.

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1 (e) If a grain warehouse keeper fails to comply with the department's demand
2 for security under this subsection, the department may do any of the following:

- 3 1. Issue an appropriate summary order under s. 126.85 (2).
- 4 2. Suspend or revoke the grain warehouse keeper's license.

5 **(7) MONTHLY REPORTS.** A grain warehouse keeper who is required to file or
6 maintain security under this section shall file monthly reports with the department.
7 The grain warehouse keeper shall file the report by the 10th day of each month, in
8 a form specified by the department. In a monthly report, the grain warehouse keeper
9 shall provide information reasonably required by the department, including the
10 amount of each type of grain stored in each grain warehouse on the last day of the
11 preceding month.

12 **(8) RELEASING SECURITY.** (a) The department may release security filed under
13 sub. (1) if any of the following applies:

- 14 1. The grain warehouse keeper reports grain warehouse capacity under s.
15 126.26 (2) (e) of less than 300,000 bushels for at least 2 consecutive license years and
16 the grain warehouse keeper pays the quarterly fund assessment that would have
17 been required of the grain warehouse keeper if the grain warehouse keeper had been
18 a contributing grain warehouse keeper on the most recent quarterly installment date
19 under s. 126.30 (6).

- 20 2. The grain warehouse keeper's annual financial statement under s. 126.28
21 shows positive equity for at least 2 consecutive years and the grain warehouse keeper
22 pays the quarterly fund assessment that would have been required of the grain
23 warehouse keeper if the grain warehouse keeper had been a contributing grain
24 warehouse keeper on the most recent quarterly installment date under s. 126.30 (6).

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1 (b) On December 1, 2002, the department may release security maintained
2 under sub. (2), unless the grain warehouse keeper is required to file security under
3 sub. (1).

4 (c) The department may release security to the extent that the security exceeds
5 the amount required under sub. (3).

6 (d) The department may release security if the grain warehouse keeper files
7 alternative security, of equivalent value, that the department approves.

8 (e) The department shall release security if the grain warehouse keeper has
9 gone out of business and has fulfilled all grain obligations to depositors.

10 **126.32 Grain warehouse keepers; records. (1) RECORDS AND ACCOUNTS;**
11 **GENERAL.** A grain warehouse keeper shall maintain current, complete, and accurate
12 records and accounts of all grain received into and withdrawn from each grain
13 warehouse, including records required under subs. (2) and (3).

14 **(2) DAILY POSITION RECORDS.** A grain warehouse keeper shall keep daily position
15 records for each type of grain, so that the grain warehouse keeper and the
16 department can easily determine all of the following on a daily basis:

17 (a) The total amount of grain held by the warehouse keeper, including grain
18 under pars. (b) and (c).

19 (b) The total amount of grain that the warehouse keeper holds for others.

20 (c) The total amount of grain held by the warehouse keeper of which the
21 warehouse keeper claims ownership.

22 (d) The warehouse keeper's total grain obligations to depositors.

23 **(3) DEPOSITOR RECORDS.** A grain warehouse keeper shall keep for each
24 depositor, in a form that the grain warehouse keeper and the department can easily
25 retrieve, records of all of the following:

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1 (a) The depositor's name and address.

2 (b) The kinds and amounts of grain that the grain warehouse keeper received
3 from the depositor, the receipt dates, and the terms under which the grain warehouse
4 keeper received the grain.

5 (c) The kinds and amounts of grain that the grain warehouse keeper has
6 released to the depositor and the release dates.

7 (d) The kinds and amounts of grain that the grain warehouse keeper holds for
8 the depositor. The grain warehouse keeper shall update this record on a daily basis.

9 **(4) ADJUSTING RECORDS.** (a) Whenever a grain warehouse keeper alters a record
10 entry under sub. (2) or (3), the grain warehouse keeper shall clearly identify and
11 explain the alteration so that the reason for the alteration is clear to a person
12 reviewing the records.

13 (b) Except as provided in par. (c), a grain warehouse keeper may not alter a
14 record entry under sub. (2) or (3) without the department's prior approval.

15 (c) A grain warehouse keeper may, without the department's prior approval,
16 correct a record entry under sub. (2) or (3) for any of the following reasons:

17 1. To account for handling losses, if the warehouse keeper corrects for handling
18 losses at least monthly.

19 2. To account for errors or omissions related to the receipt or withdrawal of
20 grain, if the warehouse keeper has documentation to support the correction.

21 **(5) RECORDS RETENTION; AVAILABILITY.** (a) A grain warehouse keeper shall retain
22 all of the following records for at least 6 years from the date of their creation:

23 1. Records required under this section and s. 126.33 (3).

24 2. Records that the grain warehouse keeper was required to keep under ch. 127,
25 1999 stats., and department rules, before January 1, 2002.

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1 (b) If a grain warehouse keeper keeps records under subs. (2) and (3) in
2 computerized form, the grain warehouse keeper shall generate a hard copy printout
3 for each business day unless the grain warehouse keeper retains the ability to
4 retrieve and print that day's computerized record for at least 6 years.

5 (c) A grain warehouse keeper shall make records required under this section
6 available to the department for inspection and copying upon request.

7 **(6) REVIEWING RECORDS.** (a) The department shall review the records that a
8 grain warehouse keeper is required to keep under this section. The department shall
9 review a grain warehouse keeper's records at least annually, except as provided in
10 par. (b).

11 (b) The department shall review a grain warehouse keeper's records at least
12 once every 2 years if the grain warehouse keeper files an annual financial statement
13 under s. 126.28 and that annual financial statement shows a current ratio of at least
14 2.0 to 1.0, positive equity, and a debt to equity ratio of not more than 2.0 to 1.0.

15 **126.33 Receipts for grain. (1) REQUIREMENT.** Immediately after a grain
16 warehouse keeper receives grain from a depositor, the grain warehouse keeper shall
17 give the depositor a warehouse receipt or other storage receipt that includes all of the
18 following:

19 (a) The name and permanent address of the grain warehouse keeper, the
20 location of the grain warehouse, and a statement indicating whether the grain
21 warehouse keeper is a corporation.

22 (b) A statement identifying the document as a warehouse receipt or other
23 storage receipt.

24 (c) The date on which the grain warehouse keeper received the grain.

25 (d) The kind of grain received.

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1 (e) The net weight of grain received.

2 (f) The grade and quality of grain received, if determined.

3 (g) The word “negotiable” or “nonnegotiable,” conspicuously, if the document is
4 issued as a warehouse receipt. If a grain warehouse keeper transfers
5 depositor-owned grain to another warehouse keeper, the receiving grain warehouse
6 keeper shall issue a receipt that conspicuously bears the word “nonnegotiable.”

7 (h) A statement indicating that the depositor must remove the grain from
8 storage by a specified date that is not more than 3 years after the date of deposit. This
9 requirement does not apply to any of the following:

10 1. A warehouse receipt.

11 2. A receipt for grain owned by the federal commodity credit corporation.

12 3. A receipt for grain pledged as collateral for a loan from the federal
13 department of agriculture.

14 (2) **GRAIN OWNERSHIP.** If a person delivers grain to a recipient who is both a grain
15 warehouse keeper and a grain dealer, as defined in s. 126.10 (9), the delivery is
16 considered a deposit for storage unless it is clearly documented as a delivery of
17 purchased grain. A receipt issued by such a recipient is considered a storage receipt
18 unless it is clearly designated as a receipt for the delivery of purchased grain.

19 (3) **WAREHOUSE KEEPER'S COPY.** A grain warehouse keeper shall keep a copy of
20 every warehouse receipt and other document that the grain warehouse keeper issues
21 under sub. (1). The grain warehouse keeper shall retain a copy of each document for
22 at least 6 years after the grain warehouse keeper issues the document and shall
23 make copies available to the department for inspection and copying upon request.

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1 **126.34 Grain warehouse keepers; business practices. (1)** GRAIN WEIGHT,
2 GRADE, AND QUALITY. A grain warehouse keeper shall do all of the following when
3 determining the weight, grade, or quality of grain:

4 (a) Accurately determine the weight, grade, or quality using accurate weighing,
5 testing, or grading equipment.

6 (b) Accurately record the determined weight, grade, or quality.

7 **(2) CARE OF GRAIN; FACILITIES.** A grain warehouse keeper shall safeguard grain
8 held for others and shall protect that grain from loss or abnormal deterioration. A
9 grain warehouse keeper shall maintain adequate facilities and equipment for that
10 purpose.

11 **(3) SUFFICIENT INVENTORY.** A grain warehouse keeper shall at all times maintain
12 grain inventories sufficient in quantity and quality to meet all outstanding
13 obligations to depositors.

14 **(4) RETURNING GRAIN TO DEPOSITORS.** (a) Except as provided in par. (b), a grain
15 warehouse keeper shall deliver to a depositor, upon demand, the same grade and
16 amount of grain as was deposited.

17 (b) If a grain warehouse keeper does not have enough grain of the appropriate
18 grade to satisfy a depositor's demand under par. (a), the warehouse keeper may
19 substitute any of the following with the agreement of the depositor:

20 1. A monetary payment sufficient to provide the depositor with equivalent
21 value, based on current local grain prices.

22 2. A sufficient amount of a higher grade of grain to provide the depositor with
23 equivalent value, based on current local grain prices.

24 (c) A grain warehouse keeper may not provide grain or payments under par.

25 (b) whose value exceeds the current value of the grain that was deposited.

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1 (4) “Dairy plant” has the meaning given in s. 97.20 (1) (a).

2 (5) “Dairy plant operator” means a person who holds or is required to hold a
3 dairy plant license under s. 97.20.

4 (6) “Debt to equity ratio” means the ratio of the value of liabilities to equity,
5 calculated according to s. 126.44 (8) (c) 2.

6 (7) “Disqualified milk contractor” means a milk contractor who is disqualified
7 from the fund under s. 126.45 (3).

8 (7m) “License year” means the period beginning on May 1 and ending on the
9 following April 30.

10 (8) “Milk contractor” means a person who buys producer milk or who markets
11 producer milk as a producer agent. “Milk contractor” does not include any of the
12 following:

13 (a) A person who merely brokers a contract between a milk producer and a milk
14 contractor, without becoming a party to the contract, taking control of milk, or
15 accepting payment on behalf of the milk producer.

16 (b) A person who merely buys or sells milk on a board of trade or commodity
17 exchange.

18 (9) “Milk payroll obligation” means a milk contractor’s gross obligation to a
19 milk producer or producer agent, whether paid or unpaid, for producer milk that the
20 milk contractor procures in this state.

21 (10) “Milk producer” means a person who produces milk on a dairy farm.

22 (11) “Procure producer milk” means to buy producer milk or acquire the right
23 to market producer milk.

24 (12) “Procure producer milk in this state” means any of the following:

25 (a) To buy producer milk for receipt in this state.

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1 (b) To receive producer milk directly from a dairy farm in this state.

2 (c) To collect producer milk from a dairy farm in another state, for direct
3 shipment to a dairy plant that the milk contractor operates in this state.

4 (d) To acquire the right to market producer milk that is produced in this state.

5 **(13)** "Producer agent" means a person who acts on behalf of a milk producer
6 to market or accept payment for producer milk without taking title to that milk,
7 including a person who uses a producer trust fund to market or accept payment for
8 producer milk. "Producer agent" does not include any of the following:

9 (a) A person who merely brokers a contract between a milk producer and a milk
10 contractor, without becoming a party to the contract, taking control of milk, or
11 accepting payment on behalf of the milk producer.

12 (b) A person who merely holds or transports milk for a milk producer without
13 marketing or accepting payment for milk on behalf of the milk producer.

14 **(14)** "Producer milk" means milk that is owned by or held in trust for one or
15 more milk producers. "Producer milk" includes milk that a producer agent markets
16 for a producer, without taking title to the milk.

17 **126.41 Milk contractors; licensing. (1) ANNUAL LICENSE.** (a) No milk
18 contractor may do any of the following without a current annual license from the
19 department:

20 1. Receive producer milk in this state.

21 2. Collect producer milk from a dairy farm in another state for direct shipment
22 to a dairy plant that the milk contractor operates in this state.

23 3. Acquire the right to market, as a producer agent, producer milk produced in
24 this state.

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1 (b) A milk contractor who is not engaged in any activities under par. (a) may
2 volunteer to be licensed if the milk contractor receives, outside this state, direct
3 shipments of producer milk from dairy farms in this state.

4 (c) The department shall issue annual milk contractor licenses under pars. (a)
5 and (b). A license expires on the April 30 following its issuance. No person may
6 transfer or assign a license issued under par. (a) or (b).

7 **(2) LICENSE APPLICATION.** A milk contractor shall apply for a license under sub.
8 (1) in writing, on a form provided by the department. An applicant shall provide all
9 of the following:

10 (a) The applicant's legal name and any trade name under which the applicant
11 proposes to operate as a milk contractor. If the milk contractor is a dairy plant
12 operator licensed under s. 97.20, the milk contractor shall use the same legal name
13 in both license applications.

14 (b) A statement of whether the applicant is an individual, corporation,
15 partnership, cooperative, limited liability company, trust, or other legal entity. If the
16 applicant is a corporation or cooperative, the applicant shall identify each officer of
17 the corporation or cooperative. If the applicant is a partnership, the applicant shall
18 identify each partner.

19 (c) The mailing address of the applicant's primary business location and the
20 name of a responsible individual who may be contacted at that location.

21 (d) The street address of each business location from which the applicant will
22 operate under the license and the name of a responsible person who may be contacted
23 at each location that is staffed.

24 (e) All license fees and surcharges required under sub. (3).

25 (f) The sworn and notarized statement required under sub. (6).

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1 (g) A financial statement if required under s. 126.44 (1) and not yet filed.

2 (h) Other relevant information required by the department.

3 **(3)** ANNUAL LICENSE FEES AND SURCHARGES. A milk contractor applying for a
4 license under sub. (1) shall include the following fees and surcharges with the license
5 application, unless the department specifies a different fee or surcharge amount by
6 rule:

7 (a) A nonrefundable license processing fee of \$25, regardless of whether
8 application is made after the beginning of a license year.

9 (b) A license surcharge of \$500 if the department determines that, within 365
10 days before submitting the license application, the applicant operated without a
11 license in violation of sub. (1). The applicant shall also pay any license fees, license
12 surcharges, and fund assessments that are still due for any license year in which the
13 applicant violated sub. (1).

14 (c) A license surcharge of \$100 if during the preceding 12 months the applicant
15 failed to file an annual financial statement required under s. 126.44 (1) (b) by the
16 applicable deadline.

17 (d) A license surcharge of \$100 if a renewal applicant fails to renew a license
18 by the license expiration date of April 30.

19 **(3m)** EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (3) (b) does not
20 relieve the applicant of any other civil or criminal liability that results from the
21 violation of sub. (1), but does not constitute evidence of any law violation.

22 **(4)** FEE STATEMENT. The department shall provide, with each license application
23 form, a written statement of all license fees and surcharges required under sub. (3).

24 **(5)** NO LICENSE WITHOUT FULL PAYMENT. The department may not issue a license
25 under sub. (1) until the applicant pays all license fees and surcharges identified in

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1 the department's statement under sub. (4). The department shall refund a fee or
2 surcharge paid under protest if upon review the department determines that the fee
3 or surcharge is not applicable.

4 **(6) SWORN AND NOTARIZED STATEMENT.** As part of a license application under sub.
5 (2), an applicant shall provide a sworn and notarized statement, signed by the
6 applicant or an authorized officer of the applicant, that reports all of the following
7 information:

8 (a) The total milk payroll obligations that the applicant incurred during the
9 applicant's last completed fiscal year. If the applicant has not yet operated as a milk
10 contractor, the applicant shall estimate the total milk payroll obligations that the
11 applicant will incur during the applicant's first complete fiscal year.

12 (b) The largest amount of unpaid milk payroll obligations that the milk
13 contractor had at any time during the milk contractor's last completed fiscal year.

14 (c) The identity of any producer agents from whom the milk contractor procures
15 producer milk.

16 (d) Other relevant information required by the department.

17 **(7) ACTION GRANTING OR DENYING APPLICATION.** The department shall grant or
18 deny a license application under sub. (2) within 30 days after the department
19 receives a complete application. If the department denies a license application, the
20 department shall give the applicant written notice stating the reasons for the denial.

21 **(8) LICENSE DISPLAYED.** A milk contractor licensed under sub. (1) shall
22 prominently display a true copy of that license at each business location from which
23 the milk contractor operates in this state.

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1 **(9) NOTIFICATION REQUIRED.** A milk contractor who files security under s. 126.47
2 shall immediately notify the department if, at any time, the milk contractor's unpaid
3 milk payroll obligations exceed the amount last reported under sub. (6) (b).

4 **126.42 Milk contractors; monthly license fee. (1) MONTHLY LICENSE FEE**
5 **PAYMENT.** Except as provided under sub. (5) or (6), a milk contractor licensed under
6 s. 126.41 (1) shall pay to the department, by the 25th day of each month, a monthly
7 license fee of 0.15 cent for each 100 pounds of producer milk that the milk contractor
8 procured in this state during the preceding month. The milk contractor shall submit,
9 with the fee payment, a report stating the number of pounds of producer milk that
10 the milk contractor procured in this state during the preceding month.

11 **(2) LATE PAYMENT SURCHARGE.** If a milk contractor fails to pay a monthly fee
12 under sub. (1) when due, the milk contractor shall pay, in addition to that monthly
13 fee, a surcharge equal to 20% of the monthly fee. The milk contractor shall pay the
14 surcharge by the 25th day of the following month.

15 **(3) FEE CREDITS.** If the balance in the fund contributed by milk contractors
16 exceeds \$4,000,000 on February 28 of any license year, the department shall credit
17 50% of the excess amount against fees charged under sub. (1) to contributing milk
18 contractors who file timely renewal applications for the next license year. The
19 department shall credit each contributing milk contractor on a prorated basis, in
20 proportion to the total fees that the milk contractor has paid under sub. (1) for the
21 4 preceding license years. Each month that a contributing contractor who qualifies
22 for a credit under this subsection pays fees under sub. (1), the department shall credit
23 to the contributing milk contractor one-twelfth of the total annual credit determined
24 under this subsection.

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1 **(4) FEE STATEMENT.** Whenever the department issues an annual license to a
2 milk contractor under s. 126.41 (1), the department shall give the milk contractor
3 notice of the monthly fees required under this section. The department shall specify
4 all of the following:

5 (a) The method for computing the monthly fee.

6 (b) The date by which the milk contractor must pay the fee each month.

7 (c) The late payment surcharge that may apply under sub. (2).

8 (d) The fee credit, if any, that applies under sub. (3).

9 **(5) PRODUCER AGENTS; EXEMPTION.** A producer agent is not required to pay the
10 monthly fee under sub. (1) for producer milk that the producer agent markets to a
11 milk contractor who is licensed under s. 126.41 (1) and who pays the monthly fee on
12 the same milk.

13 **(6) FEE CHANGES.** The department may modify the license fees under sub. (1)
14 by rule, as provided under s. 126.81 (2).

15 **126.43 Milk contractors; insurance. (1) FIRE AND EXTENDED COVERAGE**
16 **INSURANCE.** A milk contractor licensed under s. 126.41 (1) shall maintain fire and
17 extended coverage insurance that covers, at their full value, all milk and milk
18 products in the possession, custody, or control of the milk contractor. If the milk
19 contractor is required to be licensed under s. 126.41 (1) (a), the milk contractor shall
20 maintain insurance issued by an insurance company authorized to do business in
21 this state.

22 **(2) INSURANCE CANCELLATION; REPLACEMENT.** Whenever an insurance policy
23 under sub. (1) is canceled, the milk contractor shall replace the policy so that there
24 is no lapse in coverage.

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1 **(3) INSURANCE COVERAGE; MISREPRESENTATION.** No milk contractor may
2 misrepresent any of the following to the department or to any milk producer or
3 producer agent:

4 (a) That the milk contractor is insured.

5 (b) The nature, coverage, or material terms of the milk contractor's insurance
6 policy.

7 **126.44 Milk contractors; financial statements. (1) REQUIRED ANNUAL**
8 **FINANCIAL STATEMENT.** (a) A milk contractor shall file an annual financial statement
9 with the department before the department first licenses the milk contractor under
10 s. 126.41 (1), unless the milk contractor reports no more than \$1,500,000 in annual
11 milk payroll obligations under s. 126.41 (6) (a).

12 (b) Except as provided in par. (c), a milk contractor licensed under s. 126.41 (1)
13 shall file an annual financial statement with the department during each license
14 year. The milk contractor shall file the annual financial statement by the 15th day
15 of the 4th month following the close of the milk contractor's fiscal year. The
16 department may extend the filing deadline for up to 30 days if the milk contractor,
17 or the accountant preparing the financial statement, files a written extension
18 request at least 10 days before the filing deadline.

19 (c) Paragraph (b) does not apply to any of the following:

20 1. A contributing milk contractor who reports no more than \$1,500,000 in
21 annual milk payroll obligations under s. 126.41 (6) (a).

22 2. A contributing milk contractor who procures producer milk in this state
23 solely as a producer agent.

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1 **(2) VOLUNTARY ANNUAL FINANCIAL STATEMENT.** A milk contractor licensed under
2 s. 126.41 (1) who is not required to file a financial statement under sub. (1) may file
3 an annual financial statement with the department for any of the following reasons:

4 (a) To avoid being required to contribute to the fund under s. 126.45 (1) (a).

5 (b) To qualify for a lower fund assessment under s. 126.46.

6 **(3) QUARTERLY FINANCIAL STATEMENTS.** A milk contractor licensed under s.
7 126.41 (1) who is not a contributing milk contractor shall file quarterly financial
8 statements with the department for the first 3 quarters in each of the milk
9 contractor's fiscal years. The milk contractor shall file each quarterly financial
10 statement no later than 60 days after the end of the fiscal quarter to which the
11 financial statement pertains. With each quarterly financial statement, the milk
12 contractor shall include the milk contractor's sworn and notarized statement that
13 the financial statement is correct.

14 **(5) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A milk contractor filing an
15 annual financial statement under sub. (1) or (2) shall file an audited financial
16 statement if the milk contractor reports more than \$6,000,000 in annual milk payroll
17 obligations under s. 126.41 (6) (a).

18 (b) If par. (a) does not apply, a milk contractor filing an annual financial
19 statement under sub. (1) or (2) shall file either a reviewed financial statement or an
20 audited financial statement.

21 **(6) ACCOUNTING PERIOD.** A milk contractor filing an annual financial statement
22 under sub. (1) or (2) shall file a financial statement that covers the milk contractor's
23 last completed fiscal year unless the milk contractor has been in business for less
24 than one year.

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1 **(6m)** INTERIM FINANCIAL STATEMENT. The department may, at any time, require
2 a milk contractor licensed under s. 126.41 (1) to file an interim financial statement
3 with the department. With the interim financial statement, the milk contractor shall
4 provide the milk contractor's sworn and notarized statement that the financial
5 statement is correct. An interim financial statement need not be a reviewed financial
6 statement or an audited financial statement.

7 **(7)** GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. (a) Except as provided in par.
8 (b), a milk contractor filing an annual financial statement under this section shall
9 file a financial statement that is prepared according to generally accepted accounting
10 principles.

11 (b) If a milk contractor is a sole proprietor and the milk contractor's financial
12 statement is not audited, the milk contractor shall file a financial statement that is
13 prepared on a historical cost basis.

14 **(8)** FINANCIAL STATEMENT CONTENTS. (a) Except as provided in par. (b), a milk
15 contractor filing a financial statement under this section shall file a financial
16 statement that consists of a balance sheet, income statement, equity statement,
17 statement of cash flows, notes to those statements, and any other information
18 required by the department. If the milk contractor is a sole proprietor, the milk
19 contractor shall file his or her business and personal financial statements.

20 (b) If a milk contractor has been in business for less than one year, the milk
21 contractor may file an annual financial statement under sub. (1) or (2) consisting of
22 a balance sheet and notes. A milk contractor may file a quarterly financial statement
23 under sub. (3) consisting of a balance sheet and income statement.

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1 (c) A milk contractor filing a financial statement under this section shall
2 include in the financial statement, or in an attachment to the financial statement,
3 calculations of all of the following:

4 1. The milk contractor's current ratio, excluding any assets required to be
5 excluded under sub. (9).

6 2. The milk contractor's debt to equity ratio, excluding any assets required to
7 be excluded under sub. (9).

8 **(9) ASSETS EXCLUDED.** A milk contractor may not include any of the following
9 assets in the calculations under sub. (8) (c), unless the department specifically
10 approves their inclusion:

11 (a) A nontrade note or account receivable from an officer, director, employee,
12 partner, or stockholder, or from a member of the family of any of those individuals,
13 unless the note or account receivable is secured by a first priority security interest
14 in real or personal property.

15 (b) A note or account receivable from a parent organization, a subsidiary, or an
16 affiliate other than an employee.

17 (c) A note or account that has been receivable for more than one year, unless
18 the milk contractor has established an equal offsetting reserve for uncollectible notes
19 and accounts receivable.

20 **(10) ENTITY COVERED.** A person filing a financial statement under this section
21 may not file, in lieu of that person's financial statement, the financial statement of
22 the person's parent organization, subsidiary, predecessor, or successor.

23 **(11) DEPARTMENT REVIEW.** The department may analyze a financial statement
24 submitted under this section and may reject a financial statement that fails to
25 comply with this section.

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1 **126.45 Contributing milk contractors; disqualification. (1) REQUIRED**
2 CONTRIBUTORS. (a) Except as provided in sub. (3), a licensed milk contractor shall pay
3 fund assessments under s. 126.46 if the milk contractor does not file annual and
4 quarterly financial statements under s. 126.44.

5 (b) Except as provided in sub. (3), a licensed milk contractor shall pay fund
6 assessments under s. 126.46 if the milk contractor files an annual, quarterly, or
7 interim financial statement under s. 126.44 that shows a current ratio of less than
8 1.25 to 1.0, a debt to equity ratio of more than 2.0 to 1.0, or negative equity. The milk
9 contractor shall continue to pay fund assessments until the milk contractor files 2
10 consecutive annual financial statements under s. 126.44 that show a current ratio
11 of at least 1.25 to 1.0, positive equity, and a debt to equity ratio of not more than 2.0
12 to 1.0.

13 **(2) VOLUNTARY CONTRIBUTORS.** Except as provided in sub. (3), a licensed milk
14 contractor who is not required to pay fund assessments under s. 126.46 may elect to
15 do so.

16 **(3) DISQUALIFIED CONTRACTORS.** (a) A milk contractor who is required to file
17 security under s. 126.47 (1) is disqualified from the fund until the department
18 releases that security under s. 126.47 (7) (a).

19 (b) A milk contractor is disqualified from the fund if the department denies,
20 suspends, or revokes the milk contractor's license.

21 (c) The department may, by written notice, disqualify a milk contractor for any
22 of the following reasons:

- 23 1. Failure to pay fund assessments under s. 126.46 when due.
- 24 2. Failure to file a financial statement under s. 126.44 when due.

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1 3. Failure to reimburse the department, within 60 days after the department
2 issues a reimbursement demand under s. 126.73 (1), for the full amount that the
3 department pays to claimants under s. 126.72 (1) because of that milk contractor's
4 default.

5 4. Failure to reimburse a bond surety, within 60 days after the bond surety
6 issues a reimbursement demand under s. 126.73 (2), for the full amount that the
7 surety pays to the department under s. 126.72 (2) or (3) for the benefit of claimants
8 affected by that milk contractor's default.

9 **(4) EFFECT OF DISQUALIFICATION.** (a) A milk contractor disqualified under sub.
10 (3) (c) may not engage in any activities for which a license is required under s. 126.41
11 (1) (a) if the milk contractor files an annual, quarterly, or interim financial statement
12 under s. 126.44 that shows a current ratio of less than 1.25 to 1.0, a debt to equity
13 ratio of more than 2.0 to 1.0, or negative equity.

14 (b) The department may not return, to a disqualified milk contractor, any fund
15 assessments that the milk contractor paid as a contributing milk contractor.

16 (c) A disqualified milk contractor remains liable for any unpaid fund
17 installment under s. 126.46 that became due while the milk contractor was a
18 contributing milk contractor. A disqualified milk contractor is not liable for any fund
19 installment that becomes due after the milk contractor is disqualified under sub. (3).

20 **126.46 Contributing milk contractors; fund assessments. (1) GENERAL.**
21 A contributing milk contractor shall pay an annual fund assessment for each license
22 year. The assessment equals \$20 or the sum of the following, whichever is greater,
23 unless the department by rule specifies a different assessment:

24 (a) The milk contractor's current ratio assessment. The current ratio
25 assessment for a license year equals the milk contractor's current ratio assessment

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1 rate under sub. (2) multiplied by the annual milk payroll obligations reported under
2 s. 126.41 (6) (a) in the milk contractor's license application for that license year.

3 (b) The milk contractor's debt to equity ratio assessment. The debt to equity
4 ratio assessment for a license year equals the milk contractor's debt to equity ratio
5 assessment rate under sub. (4) multiplied by the annual milk payroll obligations
6 reported under s. 126.41 (6) (a) in the milk contractor's license application for that
7 license year.

8 **(2) CURRENT RATIO ASSESSMENT RATE.** A milk contractor's current ratio
9 assessment rate is calculated, at the beginning of the license year, as follows:

10 (a) If the milk contractor has filed an annual financial statement under s.
11 126.44 and that financial statement shows a current ratio of at least 1.25 to 1.0, the
12 milk contractor's current ratio assessment rate equals the greater of zero or the
13 current ratio assessment factor in sub. (3) (a) multiplied by the following amount:

- 14 1. Subtract 3 from the current ratio.
- 15 2. Divide the amount determined under subd. 1. by 6.
- 16 3. Multiply the amount determined under subd. 2. by negative one.
- 17 4. Raise the amount determined under subd. 3. to the 3rd power.
- 18 5. Divide 0.55 by the current ratio.
- 19 6. Raise the amount determined under subd. 5. to the 7th power.
- 20 7. Add the amount determined under subd. 4. to the amount determined under
21 subd. 6.

22 8. Add 0.075 to the amount determined under subd. 7.

23 (b) If the milk contractor has filed an annual financial statement under s.
24 126.44 and that financial statement shows a current ratio of less than 1.25 to 1.0, but

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1 greater than 1.05 to 1.0, the milk contractor's current ratio assessment rate equals
2 the current ratio assessment factor in sub. (3) (b) multiplied by the following amount:

3 1. Subtract 3 from the current ratio.

4 2. Divide the amount determined under subd. 1. by 6.

5 3. Multiply the amount determined under subd. 2. by negative one.

6 4. Raise the amount determined under subd. 3. to the 3rd power.

7 5. Divide 0.55 by the current ratio.

8 6. Raise the amount determined under subd. 5. to the 7th power.

9 7. Add the amount determined under subd. 4. to the amount determined under
10 subd. 6.

11 8. Add 0.075 to the amount determined under subd. 7.

12 (c) If the milk contractor has filed an annual financial statement under s.
13 126.44 and that financial statement shows a current ratio of less than or equal to 1.05
14 to 1.0, the milk contractor's current ratio assessment rate equals the current ratio
15 assessment factor in sub. (3) (b) multiplied by 0.1201478.

16 (d) Except as provided in par. (e), if the milk contractor has not filed an annual
17 financial statement under s. 126.44, the milk contractor's current ratio assessment
18 rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 0.103005.

19 (e) If the milk contractor has not filed an annual financial statement under s.
20 126.44 and the milk contractor procures producer milk in this state solely as a
21 producer agent, the milk contractor's current ratio assessment rate is 0.00025,
22 except that, for the milk contractor's 5th or higher consecutive full license year of
23 participation in the fund, the milk contractor's current ratio assessment rate is
24 0.000175.

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1 **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A milk contractor's current ratio
2 assessment factor under sub. (2) (a) is 0.001, except as follows:

3 1. For the milk contractor's 3rd consecutive full license year as a contributing
4 milk contractor, the milk contractor's current ratio assessment factor is 0.0007.

5 2. For the milk contractor's 4th consecutive full license year as a contributing
6 milk contractor, the milk contractor's current ratio assessment factor is 0.0003.

7 3. For the milk contractor's 5th or higher consecutive full license year as a
8 contributing milk contractor, the milk contractor's current ratio assessment factor
9 is zero.

10 (b) A milk contractor's current ratio assessment factor under sub. (2) (b) to (d)
11 is 0.0015, except that, for the milk contractor's 5th or higher consecutive full license
12 year of participation in the fund, the milk contractor's current ratio assessment
13 factor is 0.000675.

14 **(4) DEBT TO EQUITY RATIO ASSESSMENT RATE.** A milk contractor's debt to equity
15 ratio assessment rate is calculated, at the beginning of the license year, as follows:

16 (a) If the milk contractor has filed an annual financial statement under s.
17 126.44 and that financial statement shows positive equity and a debt to equity ratio
18 of not more than 2.0 to 1.0, the milk contractor's debt to equity ratio assessment rate
19 equals the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a)
20 multiplied by the following amount:

21 1. Subtract 2 from the debt to equity ratio.

22 2. Divide the amount determined under subd. 1. by 3.

23 3. Raise the amount determined under subd. 2. to the 9th power.

24 4. Divide the debt to equity ratio by 3.25.

25 5. Raise the amount determined under subd. 4. to the 5th power.

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1 6. Add the amount determined under subd. 3. to the amount determined under
2 subd. 5.

3 7. Add 0.025 to the amount determined under subd. 6.

4 (b) If the milk contractor files an annual financial statement under s. 126.44
5 and that financial statement shows a debt to equity ratio of greater than 2.0 to 1.0
6 but less than 3.1 to 1.0, the milk contractor's debt to equity ratio assessment rate
7 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the
8 following amount:

9 1. Subtract 2 from the debt to equity ratio.

10 2. Divide the amount determined under subd. 1. by 3.

11 3. Raise the amount determined under subd. 2. to the 9th power.

12 4. Divide the debt to equity ratio by 3.25.

13 5. Raise the amount determined under subd. 4. to the 5th power.

14 6. Add the amount determined under subd. 3. to the amount determined under
15 subd. 5.

16 7. Add 0.025 to the amount determined under subd. 6.

17 (c) If the milk contractor has filed an annual financial statement under s.
18 126.44 and that financial statement shows negative equity or a debt to equity ratio
19 of at least 3.1 to 1.0, the milk contractor's debt to equity ratio assessment rate equals
20 the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 0.8146917.

21 (d) Except as provided in par. (e), if the milk contractor has not filed an annual
22 financial statement under s. 126.44, the milk contractor's debt to equity ratio
23 assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)
24 multiplied by 0.11325375.

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1 (e) If the milk contractor has not filed an annual financial statement under s.
2 126.44 and the milk contractor procures producer milk in this state solely as a
3 producer agent, the milk contractor's debt to equity ratio assessment rate is 0.00025,
4 except that, for the milk contractor's 5th or higher consecutive full license year of
5 participation in the fund, the milk contractor's debt to equity ratio assessment rate
6 is 0.000175.

7 **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A milk contractor's debt to
8 equity ratio assessment factor under sub. (4) (a) is 0.0015, except as follows:

9 1. For the milk contractor's 3rd consecutive full license year as a contributing
10 milk contractor, the milk contractor's current ratio assessment factor is 0.001.

11 2. For the milk contractor's 4th consecutive full license year as a contributing
12 milk contractor, the milk contractor's current ratio assessment factor is 0.0005.

13 3. For the milk contractor's 5th or higher consecutive full license year as a
14 contributing milk contractor, the milk contractor's current ratio assessment factor
15 is zero.

16 (b) A milk contractor's debt to equity ratio assessment factor under sub. (4) (b)
17 to (d) is 0.00225, except that, for the milk contractor's 5th or higher consecutive full
18 license year as a contributing milk contractor, the milk contractor's debt to equity
19 ratio assessment factor is 0.001.

20 **(6) QUARTERLY INSTALLMENTS.** (a) A contributing milk contractor shall pay the
21 milk contractor's annual fund assessment in equal quarterly installments that are
22 due as follows:

23 1. The first installment is due on June 1 of the license year.

24 2. The 2nd installment is due on September 1 of the license year.

25 3. The 3rd installment is due on December 1 of the license year.

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1 4. The 4th installment is due on March 1 of the license year.

2 (b) A contributing milk contractor may prepay any of the quarterly
3 installments under par. (a).

4 (c) A contributing milk contractor who applies for an annual license after the
5 beginning of a license year shall pay the full annual fund assessment required under
6 this section. The milk contractor shall pay, with the first quarterly installment that
7 becomes due after the day on which the department issues the license, all of the
8 quarterly installments for that license year that were due before that day.

9 (d) If s. 126.45 (1) (b) requires a licensed milk contractor to become a
10 contributing milk contractor during the license year, the milk contractor shall pay
11 only those quarterly installments that become due after the requirement takes
12 effect.

13 (e) A contributing milk contractor who fails to pay the full amount of any
14 quarterly installment when due shall pay, in addition to that installment, a late
15 payment penalty of \$50 or 10% of the overdue installment amount, whichever is
16 greater.

17 **(7) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the
18 department issues an annual license to a contributing milk contractor, the
19 department shall notify the milk contractor of all of the following:

20 (a) The amount of the milk contractor's annual fund assessment under this
21 section.

22 (b) The amount of each required quarterly installment under sub. (6) and the
23 date by which the milk contractor must pay each installment.

24 (c) The penalty that applies under sub. (6) (e) if the milk contractor fails to pay
25 any quarterly installment when due.

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1 **126.47 Milk contractors; security.** (1) SECURITY REQUIRED. A milk
2 contractor shall file security with the department, and maintain that security until
3 the department releases it under sub. (7), if all of the following apply when the
4 department first licenses the milk contractor under s. 126.41 (1):

5 (a) The milk contractor reports more than \$1,500,000 in annual milk payroll
6 obligations under s. 126.41 (6) (a).

7 (b) The milk contractor files an annual financial statement under s. 126.44 (1)
8 and that financial statement shows negative equity.

9 (2) SECURITY CONTINUED. A milk contractor who filed security under s. 100.06,
10 1999 stats., before May 1, 2002, shall maintain that security until the department
11 releases it under sub. (7).

12 (3) AMOUNT OF SECURITY. A milk contractor who is required to file or maintain
13 security under this section shall at all times maintain security equal to the following
14 amount:

15 (a) Except for a milk contractor who procures producer milk in this state solely
16 as a producer agent, at least 75% of the amount last reported under s. 126.41 (6) (b)
17 or (9).

18 (b) For a milk contractor who procures milk in this state solely as a producer
19 agent, at least the following amounts:

20 1. For the license year beginning on May 1, 2002, 15% of the amount last
21 reported under s. 126.41 (6) (b) or (9).

22 2. For the license year beginning on May 1, 2003, 30% of the amount last
23 reported under s. 126.41 (6) (b) or (9).

24 3. For the license year beginning on May 1, 2004, 45% of the amount last
25 reported under s. 126.41 (6) (b) or (9).

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1 4. For the license year beginning on May 1, 2005, 60% of the amount last
2 reported under s. 126.41 (6) (b) or (9).

3 5. For a license year beginning after May 1, 2005, 75% of the amount last
4 reported under s. 126.41 (6) (b) or (9).

5 **(4) FORM OF SECURITY.** The department shall review, and determine whether
6 to approve, security filed under this section. The department may approve only the
7 following types of security:

8 (a) Currency.

9 (b) A commercial surety bond if all of the following apply:

10 1. The surety bond is made payable to the department for the benefit of milk
11 producers and producer agents.

12 2. The surety bond is issued by a person authorized to operate a surety business
13 in this state.

14 3. The surety bond is issued as a continuous term bond that may be canceled
15 only with the department's written agreement or upon 90 days' prior written notice
16 served on the department in person or by certified mail.

17 4. The surety bond is issued in a form, and subject to any terms and conditions,
18 that the department considers appropriate.

19 (c) A certificate of deposit or money market certificate, if all of the following
20 apply:

21 1. The certificate is issued or endorsed to the department for the benefit of milk
22 producers and producer agents.

23 2. The certificate may not be canceled or redeemed without the department's
24 written permission.

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1 3. No person may transfer or withdraw funds represented by the certificate
2 without the department's written permission.

3 4. The certificate renews automatically without any action by the department.

4 5. The certificate is issued in a form, and subject to any terms and conditions,
5 that the department considers appropriate.

6 (d) An irrevocable bank letter of credit if all of the following apply:

7 1. The letter of credit is payable to the department for the benefit of milk
8 producers or producer agents.

9 2. The letter of credit is issued on bank letterhead.

10 3. The letter of credit is issued for an initial period of at least one year.

11 4. The letter of credit renews automatically unless, at least 90 days before the
12 scheduled renewal date, the issuing bank gives the department written notice, in
13 person or by certified mail, that the letter of credit will not be renewed.

14 5. The letter of credit is issued in a form, and subject to any terms and
15 conditions, that the department considers appropriate.

16 (e) Security filed with the department under s. 100.06, 1999 stats., before May
17 1, 2002, except that on January 1, 2003, the department shall withdraw its approval
18 of any security that is not approvable under pars. (a) to (d).

19 (f) A dairy plant trusteeship created before May 1, 2002, under s. 100.06, 1999
20 stats. This paragraph does not apply after January 1, 2003.

21 **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,
22 all security filed and maintained under this section. The department shall hold the
23 security for the benefit of milk producers and producer agents.

24 **(6) ADDITIONAL SECURITY.** (a) The department may, at any time, demand
25 additional security from a milk contractor if any of the following applies:

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1 1. The milk contractor's existing security falls below the amount required
2 under sub. (3) for any reason, including depreciation in the value of the security,
3 increased obligations to milk producers or producer agents, or the cancellation of any
4 security filed with the department.

5 2. The milk contractor fails to provide required information that is relevant to
6 a determination of security requirements.

7 (b) The department shall issue a demand under par. (a) in writing. The
8 department shall indicate why additional security is required, the amount of
9 security required, and the deadline date for filing security. The department may not
10 specify a deadline for filing security that is more than 30 days after the date on which
11 the department issues its demand for security.

12 (c) A milk contractor may request a hearing, under ch. 227, on a demand for
13 security under par. (b). A request for hearing does not automatically stay a security
14 demand.

15 (d) If a milk contractor fails to comply with the department's demand for
16 security under this subsection, the milk contractor shall give written notice of that
17 fact to all milk producers and producer agents from whom the contractor procures
18 producer milk in this state. If the milk contractor fails to give accurate notice under
19 this paragraph within 5 days after the deadline for filing security under par. (b) has
20 passed, the department shall promptly notify milk producers and producer agents
21 by publishing a class 3 notice under ch. 985. The department may also give
22 individual notice to those milk producers or producer agents of whom the department
23 is aware.

24 (e) If a milk contractor fails to comply with the department's demand for
25 security under this subsection, the department may do any of the following:

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1 1. Issue a summary order under s. 126.85 (2).

2 2. Suspend or revoke the milk contractor's license.

3 **(7) RELEASING SECURITY.** (a) The department may release security filed under
4 sub. (1) if any of the following applies:

5 1. The milk contractor reports not more than \$1,500,000 in milk payroll
6 obligations under s. 126.41 (6) (a) for at least 2 consecutive years and the milk
7 contractor pays the quarterly fund assessment that would have been required of the
8 milk contractor if the milk contractor had been a contributing milk contractor on the
9 most recent quarterly installment date under s. 126.46 (6).

10 2. The milk contractor's annual financial statement under s. 126.44 shows
11 positive equity for at least 2 consecutive years and the milk contractor pays the
12 quarterly fund assessment that would have been required of the milk contractor if
13 the milk contractor had been a contributing milk contractor on the most recent
14 quarterly installment date under s. 126.46 (6).

15 (b) On August 1, 2002, the department may release security maintained under
16 sub. (2), unless the milk contractor is required to file security under sub. (1).

17 (c) The department may release security to the extent that the security exceeds
18 the amount required under sub. (3).

19 (d) The department may release security if the milk contractor files alternative
20 security, of equivalent value, that the department approves.

21 (e) The department shall release security if the milk contractor has gone out
22 of business and paid all milk payroll obligations in full.

23 **126.48 Milk contractors; payments to producers.** (1) **FIRST MONTHLY**
24 **PAYMENT.** By the 4th day of each month, a milk contractor shall pay for producer milk
25 received during the first 15 days of the preceding month. The milk contractor shall

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1 base the payment on an estimated price that is at least 80% of the class III price
2 published by the regional federal milk market administrator for the month
3 preceding the month in which the milk is received, or 80% of the contract price,
4 whichever is greater.

5 (2) SECOND MONTHLY PAYMENT. By the 19th day of each month, a milk contractor
6 shall pay the balance due for producer milk received during the preceding month.

7 (3) PAYMENT EXPLANATION. The department may, by rule, require a milk
8 contractor to provide a milk producer or producer agent with a written explanation
9 of each payment under this section. The department may specify the content of the
10 explanation, including information related to any of the following:

- 11 (a) Milk contractor identification.
- 12 (b) Milk producer or producer agent identification.
- 13 (c) Pay period.
- 14 (d) Volume of milk received.
- 15 (e) Grade of milk.
- 16 (f) Milk test results.
- 17 (g) Milk price and adjustments.
- 18 (h) Gross amount due.
- 19 (i) Average gross pay per hundredweight less hauling charges.
- 20 (j) Net amount due.
- 21 (k) Deductions and assignments.

22 **126.49 Milk contractors; records and reports.** (1) REQUIRED RECORDS. A
23 milk contractor shall keep accurate records and accounts of milk receipts, payments
24 for milk received, and amounts owed to milk producers. The department may, by
25 rule, specify records that a milk contractor must keep.

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1 **(2)** “Cash payment” means payment in any of the following forms:

2 (a) Currency.

3 (b) A cashier’s check, or a check that a bank issues and certifies.

4 (c) A wire transfer.

5 (d) Simultaneous barter.

6 **(3)** “Contract obligation” means the net amount, whether paid or unpaid, that
7 a vegetable contractor owes a vegetable producer or producer agent under a
8 vegetable procurement contract. “Contract obligation” includes a net amount owed
9 for unharvested acreage.

10 **(4)** “Contributing vegetable contractor” means a vegetable contractor who is
11 licensed under s. 126.56 (1), who either has paid one or more quarterly installments
12 under s. 126.60 (6) or is required to contribute to the fund, but the first quarterly
13 installment under s. 126.60 (6) is not yet due, and who is not disqualified under s.
14 126.59 (2).

15 **(6)** “Current ratio” means the ratio of the value of current assets to the value
16 of current liabilities, calculated according to s. 126.58 (6) (c) 1.

17 **(7)** “Debt to equity ratio” means the ratio of the value of liabilities to equity,
18 calculated according to s. 126.58 (6) (c) 2.

19 **(8)** “Deferred payment contract” means a vegetable procurement contract in
20 which the vegetable producer or a producer agent agrees to accept payment after
21 January 31 for processing vegetables harvested during the previous calendar year.

22 **(9)** “Disqualified vegetable contractor” means a vegetable contractor who is
23 disqualified from the fund under s. 126.59 (2).

24 **(10)** “Food processing” has the meaning given in s. 97.29 (1) (g).

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1 **(10m)** “License year” means the period beginning on February 1 and ending
2 on the following January 31.

3 **(11)** “Processing vegetables” means vegetables grown or sold for use in food
4 processing, regardless of whether those vegetables are actually harvested or
5 processed as food. “Processing vegetables” includes sweet corn grown or sold for use
6 in food processing, but does not include grain.

7 **(12)** “Producer agent” means a person who, without taking title to vegetables,
8 acts on behalf of a vegetable producer to market or accept payment for processing
9 vegetables that the vegetable producer grows in this state. “Producer agent” does not
10 include any of the following:

11 (a) A person who merely brokers a contract between a vegetable producer and
12 a vegetable contractor, without becoming a party to the contract or accepting
13 payment on behalf of the vegetable producer.

14 (b) A person who merely holds or transports processing vegetables for a
15 vegetable producer, without marketing the vegetables or accepting payment on
16 behalf of the vegetable producer.

17 **(13)** “Time of delivery” under a vegetable procurement contract means the time
18 at which one of the following occurs:

19 (a) The vegetable contractor harvests the vegetables.

20 (b) The vegetable producer delivers harvested vegetables to the custody or
21 control of the vegetable contractor.

22 (c) The vegetable contractor notifies the vegetable producer of the vegetable
23 contractor’s refusal to harvest or accept delivery of vegetables.

24 **(14)** “Vegetable contractor” means a person who does any of the following:

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1 (a) Contracts with a vegetable producer or a producer agent to procure
2 processing vegetables that a vegetable producer grows in this state.

3 (b) Contracts with a vegetable producer to market, as a producer agent,
4 processing vegetables that the vegetable producer grows in this state.

5 **(15)** “Vegetable procurement contract” means an oral or written agreement
6 under which a vegetable contractor does any of the following:

7 (a) Contracts with a vegetable producer or a producer agent to procure
8 processing vegetables that a vegetable producer grows in this state.

9 (b) Contracts with a vegetable producer to market, as a producer agent,
10 processing vegetables that the vegetable producer grows in this state.

11 **(16)** “Vegetable producer” means a person who grows processing vegetables in
12 this state.

13 **(17)** “Unharvested acreage” means land on which vegetables are grown, under
14 a vegetable procurement contract, that a vegetable contractor leaves unharvested for
15 any reason. “Unharvested acreage” includes all of the following:

16 (a) Land on which the vegetables are suitable for processing, but are not
17 harvested.

18 (b) Land on which the vegetables are abandoned as being unsuitable for
19 processing.

20 **126.56 Vegetable contractors; licensing. (1) LICENSE REQUIRED.** (a) Except
21 as provided in sub. (2), no person may operate as a vegetable contractor without a
22 current annual license from the department.

23 (b) A license under par. (a) expires on the January 31 following its issuance.
24 No person may transfer or assign a license issued under par. (a).

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1 **(2) EXEMPT CONTRACTORS.** The following vegetable contractors are exempt from
2 licensing under sub. (1):

3 (a) A vegetable contractor who procures vegetables primarily for unprocessed,
4 fresh market use and is licensed under the federal Perishable Agricultural
5 Commodities Act, 7 USC 499a to 499t.

6 (b) A restaurant or retail food establishment that procures processing
7 vegetables solely for retail sale at the restaurant or retail food establishment.

8 **(3) LICENSE APPLICATION.** A vegetable contractor shall apply for a license under
9 sub. (1) in writing, on a form provided by the department. The applicant shall
10 provide all of the following:

11 (a) The applicant's legal name and any trade name under which the applicant
12 proposes to operate as a vegetable contractor.

13 (b) A statement of whether the applicant is an individual, corporation,
14 partnership, cooperative, limited liability company, trust, or other legal entity. If the
15 applicant is a corporation or cooperative, the application shall identify each officer
16 of the corporation or cooperative. If the applicant is a partnership, the application
17 shall identify each partner.

18 (c) The mailing address of the applicant's principal business location and the
19 name of a responsible individual who may be contacted at that address.

20 (d) The street address of each business location from which the applicant
21 operates as a vegetable contractor in this state and the name of a responsible
22 individual who may be contacted at each location that is staffed.

23 (e) All license fees and surcharges required under sub. (4).

24 (f) The sworn and notarized statement required under sub. (9).

25 (g) A financial statement if required under s. 126.58 (1) and not yet filed.

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1 (h) Other relevant information required by the department.

2 **(4) LICENSE FEES AND SURCHARGES.** A vegetable contractor applying for a license
3 under sub. (1) shall pay the following fees and surcharges, unless the department
4 specifies a different fee or surcharge amount by rule:

5 (a) A nonrefundable license processing fee of \$25.

6 (b) A fee of \$25 plus 5.75 cents for each \$100 in contract obligations reported
7 under sub. (9) (a), less any credit provided under sub. (6).

8 (c) A license surcharge of \$500 if the department determines that, within 365
9 days before submitting the license application, the applicant operated as a vegetable
10 contractor without a license in violation of sub. (1). The applicant shall also pay any
11 license fees, license surcharges, and fund assessments that are still due for the
12 license year in which the applicant violated sub. (1).

13 (d) A license surcharge of \$100 if during the preceding 12 months the applicant
14 failed to file an annual financial statement required under s. 126.58 (1) (b) by the
15 applicable deadline.

16 (e) A license surcharge of \$100 if a renewal applicant fails to renew a license
17 by the license expiration date of January 31.

18 **(4m) EFFECT OF PAYMENT OF SURCHARGE.** Payment under sub. (3) (c) does not
19 relieve the applicant of any other civil or criminal liability that results from the
20 violation of sub. (1), but does not constitute evidence of any law violation.

21 **(5) LICENSE FOR PART OF YEAR; FEES.** A person who applies for an annual
22 vegetable contractor license after the beginning of a license year shall pay the full
23 annual fee amounts required under sub. (4).

24 **(6) FEE CREDITS.** (a) If the balance in the fund contributed by vegetable
25 contractors exceeds \$1,000,000 on November 30 of any license year, the department

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1 shall credit 50% of the excess amount against fees charged under sub. (4) (b) to
2 contributing vegetable contractors who file timely license renewal applications for
3 the next license year. The department shall credit each contributing vegetable
4 contractor on a prorated basis, in proportion to the total fees that the vegetable
5 contractor has paid under sub. (4) (b) for the 4 preceding license years.

6 (b) The fee under sub. (4) (b) is reduced by one cent for each \$100 in contract
7 obligations reported under sub. (9) (a) if the department, under a contract with the
8 applicant, grades all of the graded vegetables that the applicant procures from
9 vegetable producers or producer agents.

10 (7) FEE STATEMENT. The department shall provide, with each license application
11 form, a written statement of all license fees and surcharges required under sub. (4).
12 The department shall specify any fee credits for which the applicant may qualify
13 under sub. (6).

14 (8) NO LICENSE WITHOUT FULL PAYMENT. The department may not issue a license
15 under sub. (1) until the applicant pays all license fees and surcharges identified in
16 the department's statement under sub. (7). The department shall refund a fee or
17 surcharge paid under protest if upon review the department determines that the fee
18 or surcharge is not applicable.

19 (9) SWORN AND NOTARIZED STATEMENT. As part of a license application under sub.
20 (3), an applicant shall provide a sworn and notarized statement, signed by the
21 applicant or an officer of the applicant, that reports all of the following:

22 (a) The total amount of contract obligations that the applicant incurred during
23 the applicant's last completed fiscal year. If the applicant has not yet operated as a
24 vegetable contractor, the applicant shall estimate the amount of contract obligations
25 that the applicant will incur during the applicant's first complete fiscal year.

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1 (b) The largest amount of unpaid contract obligations that the vegetable
2 contractor had at any time during the vegetable contractor's last completed fiscal
3 year.

4 (c) The amount of unpaid contract obligations that the vegetable contractor has
5 at the time of application.

6 (d) The amount of unpaid contract obligations under par. (c) that are due for
7 payment before the license year for which the applicant is applying.

8 (e) The amount of unpaid obligations under par. (c) that the contractor has
9 under deferred payment contracts.

10 (f) Whether the applicant and the applicant's affiliates and subsidiaries will
11 collectively grow more than 10% of the total acreage of any vegetable species grown
12 or procured by the applicant during the license year for which the applicant is
13 applying.

14 (g) Whether the applicant will pay cash on delivery under all vegetable
15 procurement contracts during the license year for which the applicant is applying.

16 (h) Whether the applicant is a producer-owned cooperative or organization
17 that procures vegetables solely from its producer owners on the basis of a cooperative
18 marketing method under which the producer-owned cooperative or organization
19 pays its producer owners a prorated share of sales proceeds for the marketing year
20 after a final accounting and the deduction of marketing expenses.

21 **(10) ACTION GRANTING OR DENYING APPLICATION.** (a) The department shall grant
22 or deny a license application under sub. (3) within 30 days after the department
23 receives a complete application. If the department denies a license application, the
24 department shall give the applicant a written notice stating the reasons for the
25 denial.

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1 (b) A license becomes invalid after February 5 of the license year for which it
2 is issued unless the license holder has by February 5 paid all producer obligations
3 that were due and payable during the preceding license year.

4 **(11) LICENSE DISPLAYED.** A vegetable contractor licensed under sub. (1) shall
5 prominently display a copy of that license at each business location from which the
6 vegetable contractor operates in this state.

7 **(12) NOTICE REQUIRED.** (a) A vegetable contractor who files security under s.
8 126.61 shall immediately notify the department if, at any time, the vegetable
9 contractor's unpaid contract obligations exceed the amount last reported under sub.
10 (9) (b).

11 (b) A vegetable contractor shall immediately notify the department if the
12 amount of unpaid obligations under deferred payment contracts exceeds the amount
13 last reported under sub. (9) (e).

14 **126.57 Vegetable contractors; insurance. (1) FIRE AND EXTENDED COVERAGE**
15 **INSURANCE.** (a) Except as provided in par. (b), a vegetable contractor who is required
16 to be licensed under s. 126.56 (1) shall maintain fire and extended coverage
17 insurance, issued by an insurance company authorized to do business in this state,
18 that covers all vegetables in the custody of the vegetable contractor, whether owned
19 by the vegetable contractor or held for others, at the full local market value of the
20 vegetables.

21 (b) Paragraph (a) does not apply to a vegetable contractor if any of the following
22 applies:

23 1. The vegetable contractor pays cash on delivery under all vegetable
24 procurement contracts.

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1 2. The vegetable contractor is a producer-owned cooperative or organization
2 that procures processing vegetables only from its producer owners.

3 **(2) INSURANCE CANCELLATION; REPLACEMENT.** Whenever an insurance policy
4 under sub. (1) is canceled, the vegetable contractor shall replace the policy so that
5 there is no lapse in coverage.

6 **(3) INSURANCE COVERAGE; MISREPRESENTATION.** No vegetable contractor may
7 misrepresent any of the following to the department or to any vegetable producer or
8 producer agent:

9 (a) That the vegetable contractor is insured.

10 (b) The nature, coverage, or material terms of the vegetable contractor's
11 insurance policy.

12 **126.58 Vegetable contractors; financial statements.** **(1) REQUIRED**
13 **ANNUAL FINANCIAL STATEMENT.** (a) Except as provided in par. (c), a vegetable
14 contractor shall file an annual financial statement with the department, before the
15 department first licenses the vegetable contractor under s. 126.56 (1), if the
16 vegetable contractor reports more than \$500,000 in contract obligations under s.
17 126.56 (9) (a).

18 (b) Except as provided in par. (c), a vegetable contractor licensed under s.
19 126.56 (1) shall file an annual financial statement with the department during each
20 license year if the vegetable contractor's license application for that year reports
21 more than \$500,000 in contract obligations under s. 126.56 (9) (a). The vegetable
22 contractor shall file the annual financial statement by the 15th day of the 4th month
23 following the close of the vegetable contractor's fiscal year, except that the
24 department may extend the filing deadline for up to 30 days if the vegetable

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1 contractor, or the accountant reviewing or auditing the financial statement, files a
2 written extension request at least 10 days before the filing deadline.

3 (c) A vegetable contractor is not required to file a financial statement under par.
4 (a) or (b) if any of the following applies:

5 1. The vegetable contractor pays cash on delivery under all vegetable
6 procurement contracts.

7 2. The vegetable contractor is a producer-owned cooperative that procures
8 processing vegetables only from its producer owners.

9 **(2) VOLUNTARY FINANCIAL STATEMENT.** A contributing vegetable contractor who
10 is not required to file a financial statement under sub. (1) may file an annual
11 financial statement with the department for any of the following reasons:

12 (a) To qualify for a lower fund assessment under s. 126.60.

13 (b) To avoid filing security under s. 126.61 (1) (b).

14 **(3) REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A vegetable contractor filing
15 an annual financial statement under sub. (1) or (2) shall file an audited financial
16 statement if the vegetable contractor's latest annual license application reported
17 more than \$4,000,000 in annual contract obligations under s. 126.56 (9) (a).

18 (b) If par. (a) does not apply, a vegetable contractor filing an annual financial
19 statement under sub. (1) or (2) shall file either a reviewed financial statement or an
20 audited financial statement.

21 **(4) ACCOUNTING PERIOD.** A vegetable contractor filing an annual financial
22 statement under sub. (1) or (2) shall file a financial statement that covers the
23 vegetable contractor's last completed fiscal year unless the vegetable contractor has
24 been in business for less than one year.

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1 **(4m) INTERIM FINANCIAL STATEMENT.** The department may, at any time, require
2 a vegetable contractor licensed under s. 126.56 (1) to file an interim financial
3 statement with the department. The vegetable contractor shall provide, with the
4 interim financial statement, the vegetable contractor's sworn and notarized
5 statement that the financial statement is correct. An interim financial statement
6 need not be a reviewed or audited financial statement.

7 **(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** (a) Except as provided in par.
8 (b), a vegetable contractor filing a financial statement under this section shall file a
9 financial statement that is prepared according to generally accepted accounting
10 principles.

11 (b) If a vegetable contractor is a sole proprietor and the vegetable contractor's
12 financial statement is not audited, the vegetable contractor shall file a financial
13 statement that is prepared on a historical cost basis.

14 **(6) FINANCIAL STATEMENT CONTENTS.** (a) Except as provided in par. (b), a
15 vegetable contractor filing a financial statement under this section shall file a
16 financial statement that consists of a balance sheet, income statement, equity
17 statement, statement of cash flows, notes to those statements, and any other
18 information required by the department. If the vegetable contractor is a sole
19 proprietor, the vegetable contractor shall file his or her business and personal
20 financial statements.

21 (b) If a vegetable contractor has been in business for less than one year, the
22 vegetable contractor may file an annual financial statement under sub. (1) or (2)
23 consisting of a balance sheet and notes.

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1 (c) A vegetable contractor filing a financial statement under this section shall
2 include in the financial statement, or in an attachment to the financial statement,
3 calculations of all of the following:

4 1. The vegetable contractor's current ratio, excluding any assets required to be
5 excluded under sub. (7).

6 2. The vegetable contractor's debt to equity ratio, excluding any assets
7 required to be excluded under sub. (7).

8 **(7) ASSETS EXCLUDED.** A vegetable contractor may not include any of the
9 following assets in the calculations under sub. (6) (c), unless the department
10 specifically approves their inclusion:

11 (a) A nontrade note or account receivable from an officer, director, employee,
12 partner, or stockholder, or from a member of the family of any of those individuals,
13 unless the note or account receivable is secured by a first priority security interest
14 in real or personal property.

15 (b) A note or account receivable from a parent organization, a subsidiary, or an
16 affiliate other than an employee.

17 (c) A note or account that has been receivable for more than one year, unless
18 the vegetable contractor has established an equal offsetting reserve for uncollectible
19 notes and accounts receivable.

20 **(9) ENTITY COVERED.** A person filing a financial statement under this section
21 may not file, in lieu of that person's financial statement, the financial statement of
22 the person's parent organization, subsidiary, predecessor, or successor.

23 **(10) DEPARTMENT REVIEW.** The department may analyze a financial statement
24 filed under this section and may reject a financial statement that fails to comply with
25 this section.

SENATE BILL 55**SECTION 2813****1 126.59 Contributing vegetable contractors; disqualification. (1)**

2 CONTRIBUTION REQUIRED. A vegetable contractor licensed under s. 126.56 (1) shall pay
3 fund assessments under s. 126.60 unless one of the following applies:

4 (a) The vegetable contractor is disqualified under sub. (2).

5 (b) The vegetable contractor pays cash on delivery under all vegetable
6 procurement contracts.

7 (c) The vegetable contractor is a producer-owned cooperative that procures
8 processing vegetables only from its producer owners.

9 **(1m)** VOLUNTARY CONTRIBUTION. A vegetable contractor who is exempt under
10 sub. (1) (b) or (c) may volunteer to pay fund assessments under s. 126.60.

11 **(2)** DISQUALIFIED CONTRACTOR. (a) A vegetable contractor who is required to file
12 security under s. 126.61 (1) (a) is disqualified from the fund until the department
13 determines that one of the conditions in s. 126.61 (7) (a) 1. or 2. is satisfied.

14 (b) A vegetable contractor is disqualified from the fund if the department
15 denies, suspends, or revokes the vegetable contractor's license.

16 (c) A vegetable contractor is disqualified from the fund, and required to pay
17 cash on delivery under vegetable procurement contracts, if the department issues a
18 written notice disqualifying the vegetable contractor for cause. Cause may include
19 any of the following:

20 1. Failure to pay fund assessments under s. 126.60 when due.

21 2. Failure to file a financial statement under s. 126.58 when due.

22 3. Failure to reimburse the department, within 60 days after the department
23 issues a reimbursement demand under s. 126.73 (1), for the full amount that the
24 department pays to claimants under s. 126.72 (1) because of that vegetable
25 contractor's default.

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1 4. Failure to reimburse a bond surety, within 60 days after the bond surety
2 issues a reimbursement demand under s. 126.73 (2), for the full amount that the
3 surety pays to the department under s. 126.72 (2) or (3) for the benefit of claimants
4 affected by that vegetable contractor's default.

5 **(3) PAYMENTS BY DISQUALIFIED VEGETABLE CONTRACTOR.** (a) The department may
6 not return, to a disqualified vegetable contractor, any fund assessments that the
7 vegetable contractor paid as a contributing vegetable contractor.

8 (b) A disqualified vegetable contractor remains liable for any unpaid fund
9 installment under s. 126.60 that became due while the vegetable contractor was a
10 contributing vegetable contractor. A disqualified vegetable contractor is not liable
11 for any fund installment that becomes due after the vegetable contractor is
12 disqualified under sub. (2).

13 **126.60 Contributing vegetable contractors; fund assessments. (1)**
14 **GENERAL.** A contributing vegetable contractor shall pay an annual fund assessment
15 for each license year. The assessment equals \$20 or the sum of the following,
16 whichever is greater, unless the department by rule specifies a different assessment:

17 (a) The vegetable contractor's current ratio assessment. The current ratio
18 assessment for a license year equals the vegetable contractor's current ratio
19 assessment rate under sub. (2) multiplied by the amount reported under s. 126.56
20 (9) (a) in the vegetable contractor's license application for that license year.

21 (b) The vegetable contractor's debt to equity ratio assessment. The debt to
22 equity ratio assessment for a license year equals the vegetable contractor's debt to
23 equity ratio assessment rate under sub. (4) multiplied by the amount reported under
24 s. 126.56 (9) (a) in the vegetable contractor's license application for that license year.

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1 (c) The vegetable contractor's deferred contract assessment. The deferred
2 contract assessment for a license year equals the amount, if any, reported under s.
3 126.56 (9) (e) in the vegetable contractor's license application for that license year,
4 multiplied by a deferred vegetable contract assessment rate of 0.0025.

5 **(2) CURRENT RATIO ASSESSMENT RATE.** A vegetable contractor's current ratio
6 assessment rate is calculated, at the beginning of the license year, as follows:

7 (a) If the vegetable contractor has filed an annual financial statement under
8 s. 126.58 and that financial statement shows a current ratio of at least 1.25 to 1.0,
9 the vegetable contractor's current ratio assessment rate equals the greater of zero
10 or the current ratio assessment factor in sub. (3) (a) multiplied by the following
11 amount:

- 12 1. Subtract 4 from the current ratio.
- 13 2. Divide the amount determined under subd. 1. by 2.
- 14 3. Multiply the amount determined under subd. 2. by negative one.
- 15 4. Raise the amount determined under subd. 3. to the 3rd power.
- 16 5. Subtract 0.65 from the current ratio.
- 17 6. Divide 0.60 by the amount determined under subd. 5.
- 18 7. Raise the amount determined under subd. 6. to the 5th power.
- 19 8. Add the amount determined under subd. 4. to the amount determined under
20 subd. 7.
- 21 9. Add 0.25 to the amount determined under subd. 8.

22 (b) If the vegetable contractor has filed an annual financial statement under
23 s. 126.58 and that financial statement shows a current ratio of less than 1.25 to 1.0,
24 but greater than 1.1 to 1.0, the vegetable contractor's current ratio assessment rate

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1 equals the current ratio assessment factor in sub. (3) (b) multiplied by the following
2 amount:

- 3 1. Subtract 4 from the current ratio.
- 4 2. Divide the amount determined under subd. 1. by 2.
- 5 3. Multiply the amount determined under subd. 2. by negative one.
- 6 4. Raise the amount determined under subd. 3. to the 3rd power.
- 7 5. Subtract 0.65 from the current ratio.
- 8 6. Divide 0.60 by the amount determined under subd. 5.
- 9 7. Raise the amount determined under subd. 6. to the 5th power.
- 10 8. Add the amount determined under subd. 4. to the amount determined under
11 subd. 7.
- 12 9. Add 0.25 to the amount determined under subd. 8.

13 (c) If the vegetable contractor has filed an annual financial statement under
14 s. 126.58 and that financial statement shows a current ratio of less than or equal to
15 1.1 to 1.0, the vegetable contractor's current ratio assessment rate equals the current
16 ratio assessment factor in sub. (3) (b) multiplied by 7.512617.

17 (d) If the vegetable contractor has not filed an annual financial statement
18 under s. 126.58, the vegetable contractor's current ratio assessment rate equals the
19 current ratio assessment factor in sub. (3) (b) multiplied by 3.84961.

20 **(3) CURRENT RATIO ASSESSMENT FACTOR.** (a) A vegetable contractor's current
21 ratio assessment factor under sub. (2) (a) is 0.00048, except as follows:

- 22 1. For the vegetable contractor's 4th and 5th consecutive full license years as
23 a contributing vegetable contractor, the vegetable contractor's current ratio
24 assessment factor is 0.00029.

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1 2. For the vegetable contractor's 6th or higher consecutive full license year as
2 a contributing vegetable contractor, the vegetable contractor's current ratio
3 assessment factor is zero.

4 (b) A vegetable contractor's current ratio assessment factor under sub. (2) (b)
5 to (d) is 0.00072, except as follows:

6 1. For the vegetable contractor's 4th and 5th consecutive full license years as
7 a contributing vegetable contractor, the vegetable contractor's current ratio
8 assessment factor is 0.00058.

9 2. For the vegetable contractor's 6th or higher consecutive full license year as
10 a contributing vegetable contractor, the vegetable contractor's current ratio
11 assessment factor is 0.00035.

12 **(4) DEBT TO EQUITY RATIO ASSESSMENT RATE.** A vegetable contractor's debt to
13 equity ratio assessment rate for a license year is calculated, at the beginning of the
14 license year, as follows:

15 (a) If the vegetable contractor has filed an annual financial statement under
16 s. 126.58 and that financial statement shows positive equity and a debt to equity
17 ratio of not more than 4.0 to 1.0, the vegetable contractor's debt to equity ratio
18 assessment rate equals the greater of zero or the debt to equity ratio assessment
19 factor in sub. (5) (a) multiplied by the following amount:

- 20 1. Subtract 4 from the debt to equity ratio.
- 21 2. Divide the amount determined under subd. 1. by 4.
- 22 3. Raise the amount determined under subd. 2. to the 3rd power.
- 23 4. Subtract 1.85 from the debt to equity ratio.
- 24 5. Divide the amount determined under subd. 4. by 2.5.
- 25 6. Raise the amount determined under subd. 5. to the 7th power.

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1 7. Add the amount determined under subd. 3. to the amount determined under
2 subd. 6.

3 8. Add one to the amount determined under subd. 7.

4 (b) If the vegetable contractor has filed an annual financial statement under
5 s. 126.58 and that financial statement shows a debt to equity ratio of greater than
6 4.0 to 1.0 but less than 6.0 to 1.0, the vegetable contractor's debt to equity ratio
7 assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)
8 multiplied by the following amount:

9 1. Subtract 4 from the debt to equity ratio.

10 2. Divide the amount determined under subd. 1. by 4.

11 3. Raise the amount determined under subd. 2. to the 3rd power.

12 4. Subtract 1.85 from the debt to equity ratio.

13 5. Divide the amount determined under subd. 4. by 2.5.

14 6. Raise the amount determined under subd. 5. to the 7th power.

15 7. Add the amount determined under subd. 3. to the amount determined under
16 subd. 6.

17 8. Add one to the amount determined under subd. 7.

18 (c) If the vegetable contractor has filed an annual financial statement under
19 s. 126.58 and that financial statement shows negative equity or a debt to equity ratio
20 of at least 6.0 to 1.0, the vegetable contractor's debt to equity ratio assessment rate
21 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by
22 35.859145.

23 (d) If the vegetable contractor has not filed an annual financial statement
24 under s. 126.58, the vegetable contractor's debt to equity ratio assessment rate
25 equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 1.34793.

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1 **(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR.** (a) A vegetable contractor's debt
2 to equity ratio assessment factor under sub. (4) (a) is 0.000135, except as follows:

3 1. For the vegetable contractor's 4th and 5th consecutive full license years as
4 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio
5 assessment factor is 0.00008.

6 2. For the vegetable contractor's 6th or higher consecutive full license year as
7 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio
8 assessment factor is zero.

9 (b) A vegetable contractor's debt to equity ratio assessment factor under sub.
10 (4) (b) to (d) is 0.000203, except as follows:

11 1. For the vegetable contractor's 4th and 5th consecutive full license years as
12 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio
13 assessment factor is 0.00016.

14 2. For the vegetable contractor's 6th or higher consecutive full license year as
15 a contributing vegetable contractor, the vegetable contractor's debt to equity ratio
16 assessment factor is 0.0001.

17 **(6) QUARTERLY INSTALLMENTS.** (a) A contributing vegetable contractor shall pay
18 the vegetable contractor's annual fund assessment in equal quarterly installments
19 that are due as follows:

20 1. The first installment is due on March 1 of the license year.

21 2. The 2nd installment is due on June 1 of the license year.

22 3. The 3rd installment is due on September 1 of the license year.

23 4. The 4th installment is due on December 1 of the license year.

24 (b) A contributing vegetable contractor may prepay any of the quarterly
25 installments under par. (a).

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1 (c) A contributing vegetable contractor who applies for an annual license after
2 the beginning of a license year shall pay the full annual fund assessment required
3 under this section. The vegetable contractor shall pay, with the first quarterly
4 installment that becomes due after the day on which the department issues the
5 license, all of that year's quarterly installments that were due before that day.

6 (d) A contributing vegetable contractor who fails to pay the full amount of any
7 quarterly installment when due shall pay, in addition to that installment, a late
8 payment penalty of \$50 or 10% of the overdue installment amount, whichever is
9 greater.

10 **(7) NOTICE OF ANNUAL ASSESSMENT AND QUARTERLY INSTALLMENTS.** When the
11 department issues an annual license to a contributing vegetable contractor, the
12 department shall notify the vegetable contractor of all of the following:

13 (a) The amount of the vegetable contractor's annual fund assessment under
14 this section.

15 (b) The amount of each required quarterly installment under sub. (6) and the
16 date by which the vegetable contractor must pay each installment.

17 (c) The penalty that applies under sub. (6) (d) if the vegetable contractor fails
18 to pay any quarterly installment when due.

19 **126.61 Vegetable contractors; security. (1) SECURITY REQUIRED.** (a) Except
20 as provided in par. (c), a vegetable contractor shall file security with the department,
21 and maintain that security until the department releases it under sub. (7), if all of
22 the following apply when the department first licenses the vegetable contractor
23 under s. 126.56 (1):

24 1. The vegetable contractor reports more than \$1,000,000 in annual contract
25 obligations under s. 126.56 (9) (a).

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1 2. The vegetable contractor files a financial statement under s. 126.58 (1) and
2 that financial statement shows negative equity.

3 (b) Except as provided in par. (c), a vegetable contractor shall file security with
4 the department to cover the full amount of the unpaid deferred contract obligations
5 last reported under s. 126.56 (9) (e) or (12) (b), and maintain that security until it is
6 released under sub. (7), unless the vegetable contractor files an annual financial
7 statement under s. 126.58 and that financial statement shows positive equity, a
8 current ratio of at least 1.25 to 1.0, and a debt to equity ratio of not more than 4.0 to
9 1.0.

10 (c) A vegetable contractor is not required to file security under par. (a) or (b) if
11 any of the following applies:

12 1. The vegetable contractor pays cash on delivery under all vegetable
13 procurement contracts.

14 2. The vegetable contractor is a producer-owned cooperative that procures
15 processing vegetables only from its producer members.

16 **(2) SECURITY CONTINUED.** A vegetable contractor who filed security under s.
17 100.03, 1999 stats., before February 1, 2002, shall maintain that security until the
18 department releases it under sub. (7).

19 **(3) AMOUNT OF SECURITY.** A vegetable contractor who is required to file or
20 maintain security under this section shall, at all times, maintain security that is at
21 least equal to the sum of the following:

22 (a) Seventy-five percent of the amount last reported under s. 126.56 (9) (b) or
23 (12) (a), except that this amount is not required of a contributing vegetable contractor
24 after May 1, 2002.

25 (b) The amount required under sub. (1) (b), if any.

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1 (4) FORM OF SECURITY. The department shall review, and determine whether
2 to approve, security filed under this section. The department may approve only the
3 following types of security:

4 (a) Currency.

5 (b) A commercial surety bond if all of the following apply:

6 1. The surety bond is made payable to the department for the benefit of
7 vegetable producers and producer agents.

8 2. The surety bond is issued by a person authorized to operate a surety business
9 in this state.

10 3. The surety bond is issued as a continuous term bond that may be canceled
11 only with the department's written agreement, or upon 90 days' prior written notice
12 served on the department in person or by certified mail.

13 4. The surety bond is issued in a form, and subject to any terms and conditions,
14 that the department considers appropriate.

15 (c) A certificate of deposit or money market certificate, if all of the following
16 apply:

17 1. The certificate is issued or endorsed to the department for the benefit of
18 vegetable producers and producer agents.

19 2. The certificate may not be canceled or redeemed without the department's
20 written permission.

21 3. No person may transfer or withdraw funds represented by the certificate
22 without the department's written permission.

23 4. The certificate renews automatically without any action by the department.

24 5. The certificate is issued in a form, and subject to any terms and conditions,
25 that the department considers appropriate.

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1 (d) An irrevocable bank letter of credit if all of the following apply:

2 1. The letter of credit is payable to the department for the benefit of vegetable
3 producers and producer agents.

4 2. The letter of credit is issued on bank letterhead.

5 3. The letter of credit is issued for an initial period of at least one year.

6 4. The letter of credit renews automatically unless, at least 90 days before the
7 scheduled renewal date, the issuing bank gives the department written notice, in
8 person or by certified mail, that the letter of credit will not be renewed.

9 5. The letter of credit is issued in a form, and subject to any terms and
10 conditions, that the department considers appropriate.

11 (e) Security filed with the department under s. 100.03, 1999 stats., before
12 February 1, 2002, except that on January 1, 2003, the department shall withdraw
13 its approval of any security that is not approvable under pars. (a) to (d).

14 **(5) DEPARTMENT CUSTODY OF SECURITY.** The department shall hold, in its custody,
15 all security filed and maintained under this section. The department shall hold the
16 security for the benefit of vegetable producers and producer agents.

17 **(6) ADDITIONAL SECURITY.** (a) The department may, at any time, demand
18 additional security from a vegetable contractor if any of the following applies:

19 1. The vegetable contractor's existing security falls below the amount required
20 under sub. (3) for any reason, including a depreciation in the value of the security
21 filed with the department, increased obligations to vegetable producers or producer
22 agents, or the cancellation of any security filed with the department.

23 2. The vegetable contractor fails to provide required information that is
24 relevant to a determination of security requirements.

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1 (b) The department shall issue a demand under par. (a) in writing. The
2 department shall indicate why additional security is required, the amount of
3 security required, and the deadline date for filing security. The department may not
4 specify a deadline for filing security that is more than 30 days after the date on which
5 the department issues its demand for security.

6 (c) A vegetable contractor may request a hearing, under ch. 227, on a security
7 demand under par. (b). A request for hearing does not automatically stay a security
8 demand.

9 (d) If a vegetable contractor fails to comply with the department's security
10 demand under this subsection, the vegetable contractor shall give written notice of
11 that fact to all vegetable producers and producer agents from whom the vegetable
12 contractor procures processing vegetables. If the vegetable contractor fails to give
13 accurate notice under this paragraph within 5 days after the security filing deadline
14 under par. (b) has passed, the department shall promptly notify vegetable producers
15 and producer agents by publishing a class 3 notice under ch. 985. The department
16 may also give individual notice to vegetable producers or producer agents of whom
17 the department is aware.

18 (e) If a vegetable contractor fails to comply with the department's demand for
19 security under this subsection, the department may do any of the following:

20 1. Issue a summary order under s. 126.85 (2) that prohibits the vegetable
21 contractor from procuring processing vegetables from vegetable producers or
22 producer agents, or requires the vegetable contractor to pay cash on delivery under
23 all vegetable procurement contracts.

24 2. Suspend or revoke the vegetable contractor's license.

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1 **(7) RELEASING SECURITY.** (a) The department may release security filed under
2 sub. (1) (a), except for any amount of security that the vegetable contractor is
3 required to file because sub. (1) (b) applies to the vegetable contractor, if any of the
4 following applies:

5 1. The vegetable contractor reports less than \$1,000,000 in annual contract
6 obligations under s. 126.56 (9) (a) for at least 2 consecutive years and the vegetable
7 contractor pays the quarterly fund assessment that would have been required of the
8 vegetable contractor if the vegetable contractor had been a contributing vegetable
9 contractor on the most recent quarterly installment date under s. 126.60 (6).

10 2. The vegetable contractor's annual financial statement under s. 126.58 shows
11 positive equity for at least 2 consecutive years and the vegetable contractor pays the
12 quarterly fund assessment that would have been required of the vegetable contractor
13 if the vegetable contractor had been a contributing vegetable contractor on the most
14 recent quarterly installment date under s. 126.60 (6).

15 (b) The department may release security filed under sub. (1) (b), except for any
16 amount of security that the vegetable contractor is required to file because sub. (1)
17 (a) applies to the vegetable contractor, if any of the following applies:

18 1. The vegetable contractor has no unpaid obligations under deferred payment
19 contracts, and will not use deferred payment contracts in the current license year.

20 2. The vegetable contractor files 2 consecutive annual financial statements
21 under s. 126.58 that show a current ratio of at least 1.25 to 1.0, positive equity, and
22 a debt to equity ratio of not more than 4.0 to 1.0.

23 (c) On May 1, 2002, the department may release security maintained under
24 sub. (2), unless the vegetable contractor is required to file security under sub. (1).

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1 (d) The department may release security to the extent that the security exceeds
2 the amount required under sub. (3).

3 (e) The department may release security if the vegetable contractor files
4 alternative security, of equivalent value, that the department approves.

5 (f) The department shall release security if the vegetable contractor has gone
6 out of business and paid all contract obligations in full.

7 **126.62 Vegetable contractors; records. (1) RECORDS REQUIRED.** A vegetable
8 contractor shall keep all of the following:

9 (a) Copies of all written vegetable procurement contracts.

10 (b) A current record of all vegetable contract obligations, payments, and unpaid
11 balances.

12 **(2) RECORDS RETENTION.** A vegetable contractor shall keep all of the following
13 records for at least 6 years from the date of their creation:

14 1. Records required under sub. (1).

15 2. Records that the vegetable contractor was required to keep, under s. 100.03,
16 1999 stats., and department rules, before February 1, 2002.

17 **(3) RECORDS INSPECTION.** A vegetable contractor shall make records required
18 under this section available to the department for inspection and copying upon
19 request.

20 **126.63 Vegetable contractors; business practices. (1) VEGETABLE GRADING**
21 **AND TARE.** (a) A vegetable contractor shall grade vegetables according to the following
22 standards if the vegetable grade may affect the amount received by the vegetable
23 producer:

24 1. Standard grading procedures that the department establishes by rule.

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1 2. Uniform grade standards that the department establishes by rule, unless the
2 vegetable procurement contract clearly specifies alternative grade standards.

3 (b) If a vegetable contractor makes any deduction for tare, the vegetable
4 contractor shall determine tare according to procedures that the department
5 establishes by rule.

6 (c) The department shall establish grade standards for vegetables that conform
7 to grade standards adopted by the federal department of agriculture under 7 USC
8 1621 to 1632.

9 **(2) PROHIBITED DEDUCTIONS.** No vegetable purchaser may deduct, from the
10 amount payable under a vegetable procurement contract, an amount designated for
11 the payment of any vegetable contractor license fee, surcharge, or fund assessment
12 under this subchapter.

13 **(3) TIMELY PAYMENT.** A vegetable contractor shall pay a vegetable producer or
14 producer agent according to the vegetable procurement contract. The vegetable
15 contractor shall make the following payments by the following dates, unless the
16 contract specifies a different payment date in writing:

17 (a) The 15th day of the month immediately following the month in which the
18 vegetable contractor harvests or accepts delivery of processing vegetables, the full
19 amount owed under the contract for those vegetables.

20 (b) The 15th day of the month immediately following the month in which the
21 vegetable contractor rejects or fails to harvest processing vegetables tendered under
22 the vegetable procurement contract, the full amount owed under the contract for
23 those vegetables.

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1 **(4) ANNUAL PAYMENT DEADLINE.** (a) Except as provided in par. (b) or (c), a
2 vegetable contractor shall pay all outstanding obligations to vegetable producers by
3 January 31 of each license year.

4 (b) For processing vegetables tendered or delivered in January of any license
5 year, a vegetable contractor shall pay the full amount owed under the vegetable
6 procurement contract by February 15 or by the 30th day after the date of delivery,
7 whichever date is later.

8 (c) A vegetable contractor may pay outstanding producer obligations in
9 accordance with a deferred payment contract that complies with sub. (5) and
10 specifies a payment date after January 31 for processing vegetables delivered on or
11 before December 31.

12 **(5) DEFERRED PAYMENT CONTRACT.** (a) Before a vegetable contractor offers a
13 deferred payment contract to any vegetable producer, the vegetable contractor shall
14 put the deferred payment contract to a vote of vegetable producers, as provided in
15 par. (b), obtain the approval of a majority of the voting vegetable producers, and
16 comply with par. (c).

17 (b) To put a deferred payment contract to a vote of vegetable producers, the
18 vegetable contractor shall give written notice to all vegetable producers in this state
19 from whom the vegetable contractor procured the same type of processing vegetables
20 during the preceding license year. In the notice, the vegetable contractor shall
21 include a copy of the proposed contract, shall announce a meeting at which the
22 vegetable producers will be asked to vote on the proposed contract, and shall include
23 a mail ballot by which a vegetable producer may vote without attending the meeting.
24 The vegetable contractor shall conduct the voting by secret ballot.

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1 (c) To comply with this paragraph, a vegetable contractor shall file all of the
2 following with the department:

3 1. A sworn statement certifying that the contract was approved in a vote of
4 vegetable producers under this subsection.

5 2. Any additional security required under s. 126.61 (3).

6 **(6) CASH ON DELIVERY.** A vegetable contractor shall pay cash on delivery under
7 all vegetable procurement contracts if any of the following applies:

8 (a) The vegetable contractor stated, in the vegetable contractor's last annual
9 statement under s. 126.56 (9) (g), that the vegetable contractor would pay cash on
10 delivery.

11 (b) The department disqualifies the vegetable contractor, under s. 126.59 (2)
12 (c), or requires the vegetable contractor to pay cash on delivery under s. 126.61 (6)
13 (e).

14 **126.64 Vegetable contractors; prohibited practices.** No vegetable
15 contractor may do any of the following:

16 **(1)** Misrepresent the weight, grade, or quality of processing vegetables under
17 a vegetable procurement contract.

18 **(2)** Falsify any record or account, or conspire with any other person to falsify
19 a record or account.

20 **(3)** Make any false or misleading representation to the department.

21 **(4)** If the vegetable contractor is licensed under s. 126.56, engage in any activity
22 that is inconsistent with representations made in the vegetable contractor's annual
23 license application.

24 **(5)** Make any false or misleading representation to a vegetable producer or
25 producer agent related to matters regulated under this chapter.

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1 **(6)** Fail to file the full amount of security required under s. 126.61 (6) by the
2 date that the department specifies.

SUBCHAPTER VII**RECOVERY PROCEEDINGS**

5 **126.68 Definitions.** In this subchapter:

6 **(1)** “Contributing contractor” means any of the following:

7 (a) A contributing grain dealer, as defined in s. 126.10 (3).

8 (b) A contributing grain warehouse keeper, as defined in s. 126.25 (2).

9 (c) A contributing milk contractor, as defined in s. 126.40 (1).

10 (d) A contributing vegetable contractor, as defined in s. 126.55 (4).

11 **(2)** “Depositor” has the meaning given in s. 126.25 (5).

12 **(3)** “Grain dealer” has the meaning given in s. 126.10 (9).

13 **(4)** “Grain producer” has the meaning given in s. 126.10 (10).

14 **(5)** “Grain warehouse keeper” has the meaning given in s. 126.25 (9).

15 **(6)** “Milk contractor” has the meaning given in s. 126.40 (8).

16 **(7)** “Milk producer” has the meaning given in s. 126.40 (10).

17 **(8)** “Producer grain” has the meaning given in s. 126.10 (14).

18 **(9)** “Producer milk” has the meaning given s. 126.40 (14).

19 **(10)** “Vegetable contractor” has the meaning given in s. 126.55 (14).

20 **(11)** “Vegetable procurement contract” has the meaning given in s. 126.55 (15).

21 **(12)** “Vegetable producer” has the meaning given in s. 126.55 (16).

22 **126.70 Recovery proceedings. (1) DEFAULT CLAIMS.** Any of the following
23 persons may file a default claim with the department against a contractor who is
24 licensed, or required to be licensed, under this chapter:

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1 (a) A grain producer or producer agent, as defined in s. 126.10 (13), who claims
2 that a grain dealer has failed to pay, when due, for producer grain that the grain
3 dealer procured in this state.

4 (b) A depositor who is either a grain producer or a producer agent, as defined
5 in s. 126.10 (13), and who claims that a grain warehouse keeper has failed to return
6 stored grain or its equivalent upon demand.

7 (c) A milk producer or producer agent, as defined in s. 126.40 (13), who claims
8 that a milk contractor has failed to pay, when due, for producer milk procured in this
9 state.

10 (d) A vegetable producer or producer agent, as defined in s. 126.55 (12), who
11 claims that a vegetable contractor has failed to make payment when due under a
12 vegetable procurement contract.

13 **(2) FILING DEFAULT CLAIMS.** A claimant shall file a default claim under sub. (1)
14 within 30 days after the claimant first learns of the default, subject to sub. (3). The
15 claimant shall specify the nature and amount of the default. The department may
16 investigate the alleged default and may require the claimant to provide supporting
17 documentation.

18 **(3) INITIATING A RECOVERY PROCEEDING.** (a) The department may initiate a
19 recovery proceeding in response to one or more default claims under sub. (1). The
20 department shall issue a written notice announcing the recovery proceeding. The
21 department shall mail or deliver a copy of the notice to the contractor and each
22 claimant in the proceeding.

23 (b) If the department has reason to believe that other persons may have default
24 claims under sub. (1) against the same contractor, the department may invite those

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1 persons to file their claims in the recovery proceeding. The department may publish
2 the invitation in any of the following ways:

3 1. By posting it at the contractor's place of business.

4 2. By publishing it as a class 3 notice under ch. 985.

5 3. By mailing or delivering it to prospective claimants known to the
6 department.

7 4. By other means that the department considers appropriate.

8 (c) In its invitation under par. (b), the department may specify a deadline date
9 and a procedure for filing default claims. An invitation may indicate the amount of
10 a prospective claimant's apparent claim and may ask the prospective claimant to
11 verify or correct that amount.

12 (d) The department may initiate separate recovery proceedings for default
13 claims that comply with sub. (2) but are filed after the deadline date under par. (c).

14 **(4) AUDITING CLAIMS.** The department shall audit each claim included in a
15 recovery proceeding. The department shall disallow a claim if the department finds
16 any of the following:

17 (a) That the claim is false or not adequately documented.

18 (b) That the claimant filed the claim more than 30 days after the claimant first
19 learned of the contractor's default, unless the department specifies a later
20 claim-filing deadline under sub. (3) (c).

21 (c) That the claimant, without any contractual obligation to do so, continued
22 to deliver grain, milk, or vegetables to the defaulting contractor more than 10 days
23 after the claimant first learned of the contractor's default.

24 (d) That the claimant failed to comply with claim-filing deadlines or
25 procedures specified under sub. (3) (c).

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1 (e) That the person filing the claim is not an authorized claimant under sub.

2 (1).

3 **(5) ALLOWED CLAIM AMOUNTS.** (a) The department shall determine the amount
4 of an allowed claim based on the contract between the parties. If the contract terms
5 are unclear, the department may determine the allowed claim amount based on local
6 market prices, applicable milk marketing order prices, customs in the trade, or other
7 evidence that the department considers appropriate.

8 (b) Notwithstanding par. (a), if the default involves a grain warehouse keeper's
9 failure to return stored grain to a depositor upon demand, the department shall
10 calculate the value of the grain based on local market prices on the day on which the
11 depositor made the demand.

12 (c) The department shall subtract from the allowed claim amount any
13 offsetting payments made by the contractor and any obligations for which the
14 claimant is liable to the contractor.

15 **(6) PROPOSED DECISION.** After the department completes its audit under sub. (4),
16 the department shall issue a proposed decision. The department shall mail or deliver
17 a copy of the proposed decision to the contractor and each claimant. The department
18 shall do all of the following in the proposed decision:

19 (a) Specify proposed findings of fact, proposed conclusions of law, and a
20 proposed order.

21 (b) Allow or disallow each default claim and specify the amount of each allowed
22 claim. The department may disallow part of a claim.

23 (c) Specify, for each allowed claim, the amount that the department is
24 authorized to pay under s. 126.71.

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1 (d) Specify the method, under s. 126.71, by which the department will pay the
2 authorized amounts under par. (c).

3 (e) Explain a claimant's right under s. 126.87 (4) to seek court recovery of that
4 portion of an allowed claim that is not paid by the department.

5 (f) Specify a date by which the contractor or claimant may file written
6 objections to the proposed decision.

7 **(7) FINAL DECISION IF NO OBJECTIONS.** If no contractor or claimant files a timely
8 written objection to the proposed decision under sub. (6), the department may issue
9 the proposed decision as the department's final decision in the recovery proceeding,
10 without further notice or hearing. The department shall mail or deliver a copy of the
11 final decision to the contractor and each claimant.

12 **(8) OBJECTIONS TO PROPOSED DECISION; NOTICE, HEARING, AND FINAL DECISION.** (a)
13 If a contractor or claimant files a timely written objection to the proposed decision
14 under sub. (6), the department shall hold a public hearing on the objection. The
15 department shall follow applicable contested case procedures under ch. 227. The
16 department may hear all objections in a single proceeding. At the conclusion of the
17 contested case proceeding, the department shall issue a final decision affirming or
18 modifying the proposed decision under sub. (6).

19 (b) The department may issue a final decision under sub. (7) related to default
20 claims that are not affected by objections under par. (a), regardless of whether the
21 department has completed the contested case proceeding under par. (a).

22 **126.71 Paying default claims. (1) CLAIMS AGAINST CONTRIBUTING**
23 **CONTRACTOR.** Except as provided in sub. (2) or (3), the department shall pay from the
24 appropriate sources under s. 126.72 the following default claim amounts:

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1 (a) For each default claim allowed under s. 126.70 against a grain dealer or milk
2 contractor who was a contributing contractor when the default occurred:

3 1. Ninety percent of the first \$20,000 allowed.

4 2. Eighty-five percent of the next \$20,000 allowed.

5 3. Eighty percent of the next \$20,000 allowed.

6 4. Seventy-five percent of any amount allowed in excess of \$60,000.

7 (b) For each default claim allowed under s. 126.70 against a grain warehouse
8 keeper who was a contributing contractor when the default occurred, 100% of the
9 first \$100,000 allowed.

10 (c) For each default claim allowed under s. 126.70 against a vegetable
11 contractor who was a contributing contractor when the default occurred:

12 1. Ninety percent of the first \$40,000 allowed.

13 2. Eighty-five percent of the next \$40,000 allowed.

14 3. Eighty percent of the next \$40,000 allowed.

15 4. Seventy-five percent of any amount allowed in excess of \$120,000.

16 **(1m) WHEN DEFAULT OCCURS.** For the purposes of this chapter, a default occurs
17 on the date on which payment or delivery becomes overdue.

18 **(2) CLAIMS AGAINST CONTRACTOR WHO HAS FILED SECURITY.** If the department
19 allows default claims under s. 126.70 against a contractor who has security on file
20 with the department, the department shall convert that security and use the
21 proceeds as follows:

22 (a) If the contractor was not a contributing contractor when the default
23 occurred, the department shall use the security proceeds to pay the full amount of
24 the allowed claims, except that, if the security is not adequate to pay the full amount

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1 of the allowed claims, the department shall pay claimants on a prorated basis in
2 proportion to their allowed claims.

3 (b) If the contractor was a contributing contractor when the default occurred,
4 the department shall use the security proceeds to reimburse the sources under s.
5 126.72 from which the department makes any claim payment under sub. (1). If the
6 security amount exceeds the amount payable under sub. (1) from the sources under
7 s. 126.72, the department shall use the remaining security proceeds to pay the
8 balance of the allowed claims. If the security amount is not adequate to pay the full
9 remaining balance, the department shall pay claimants on a prorated basis in
10 proportion to their allowed claims.

11 (c) Notwithstanding par. (b), if the contractor was a contributing contractor
12 when the default occurred, the department may, at its discretion, pay claims directly
13 from security proceeds rather than from a fund source under s. 126.72. If the
14 department acts under this paragraph, the department shall first pay claims in the
15 amounts provided in sub. (1). If the security amount exceeds the amount payable
16 under sub. (1) from the sources under s. 126.72, the department shall use the
17 remaining security proceeds to pay the balance of the allowed claims. If the security
18 amount is not adequate to pay the full remaining balance, the department shall pay
19 claimants on a prorated basis in proportion to their allowed claims.

20 **(3) PAYMENT RESTRICTIONS.** (a) The department may not pay any portion of the
21 following from any source identified in s. 126.72:

22 1. A default claim related to a default by a grain dealer or grain warehouse
23 keeper that occurs before September 1, 2002.

24 2. A default claim related to a default by a milk contractor that occurs before
25 May 1, 2002.

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1 3. A default claim related to a default by a vegetable contractor that occurs
2 before February 1, 2002.

3 4. A default claim allowed against a contractor who was not a contributing
4 contractor when the default occurred.

5 (b) The department may not pay any default claim under this chapter, except
6 as provided in sub. (1) or (2).

7 (c) If the total amount of default claims exceeds the amount available under s.
8 126.72, the department shall prorate the available amount among the eligible
9 claimants in proportion to the amount of their allowed claims.

10 **(4) EFFECT OF PAYMENT.** A claimant who accepts payment under sub. (1) or (2)
11 releases his or her claim against the contractor to the extent of the payment. A
12 payment under sub. (1) or (2) does not prevent a claimant from recovering the
13 balance of an allowed claim directly from the contractor.

14 **126.72 Claims against contributing contractor; payment sources. (1)**
15 **PRODUCER SECURITY FUND.** From the appropriation under s. 20.115 (1) (w), the
16 department shall make payments authorized under s. 126.71 (1), up to the deductible
17 amount in sub. (4).

18 **(2) INDUSTRY BOND PROCEEDS.** The department shall make a demand against the
19 appropriate industry bond under s. 126.06 and shall use the proceeds of that bond
20 to make payments authorized under s. 126.71 (1), to the extent that those payments
21 exceed the deductible amount in sub. (4).

22 **(3) BLANKET BOND PROCEEDS.** The department shall make a demand against the
23 blanket bond under s. 126.07 and shall use the bond proceeds to pay any remaining
24 amounts authorized under s. 126.71 (1) after the department makes payments under
25 subs. (1) and (2).

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1 **(4) DEDUCTIBLE AMOUNT.** The deductible amount, for purposes of subs. (1) and
2 (2), is as follows:

3 (a) For default claims against a grain dealer or grain warehouse keeper who
4 was a contributing contractor when the default occurred:

5 1. If the department allows the claims on or after September 1, 2002, but before
6 September 1, 2004, \$500,000.

7 2. If the department allows the claims on or after September 1, 2004, but before
8 September 1, 2006, \$750,000.

9 3. If the department allows the claims on or after September 1, 2006,
10 \$1,000,000.

11 (b) For default claims against a milk contractor who was a contributing
12 contractor when the default occurred:

13 1. If the department allows the claims on or after May 1, 2002, but before May
14 1, 2004, \$1,000,000.

15 2. If the department allows the claims on or after May 1, 2004, but before May
16 1, 2006, \$1,500,000.

17 3. If the department allows the claims on or after May 1, 2006, \$2,000,000.

18 (c) For claims against a vegetable contractor who was a contributing contractor
19 when the default occurred:

20 1. If the department allows the claims on or after February 1, 2002, but before
21 February 1, 2004, \$500,000.

22 2. If the department allows the claims on or after February 1, 2004, but before
23 February 1, 2006, \$750,000.

24 3. If the department allows the claims on or after February 1, 2006, \$1,000,000.

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1 (2) Modify the license fees and surcharges provided in s. 126.11 (4), 126.26 (3),
2 126.41 (3), 126.42, or 126.56 (4).

3 (3) Modify the fund assessments provided under s. 126.15, 126.30, 126.46, or
4 126.60, as provided in s. 126.88.

5 (4) Require a contractor to notify producers and producer agents of the
6 contractor's license, security, or fund contribution status under this chapter.

7 **126.82 Investigations.** The department may conduct investigations that it
8 considers necessary for the administration of this chapter, including investigations
9 to determine any of the following:

10 (1) Whether a contractor complies with this chapter.

11 (2) Whether a contractor is able to honor contract obligations when due.

12 (3) Whether a contractor has failed to honor contract obligations when due.

13 (4) Whether a grain warehouse keeper has sufficient grain on hand to meet the
14 grain warehouse keeper's obligations to depositors.

15 (5) The nature and amount of a contractor's storage obligations or other
16 contract obligations.

17 **126.83 Information.** The department may require a contractor to provide
18 information that is relevant to the administration and enforcement of this chapter.

19 **126.84 Records; confidentiality.** (1) PUBLIC RECORDS EXEMPTION. The
20 following records obtained by the department under this chapter are not open to
21 public inspection under s. 19.35:

22 (a) Contractor financial statements.

23 (b) A contractor's purchase, storage, or procurement records.

24 (2) USE OF RECORDS IN COURT OR ADMINISTRATIVE PROCEEDINGS. Notwithstanding
25 sub. (1), the department may introduce any information obtained under this chapter

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1 in a court proceeding or administrative contested case, subject to any protective
2 order that the court or administrative tribunal determines to be appropriate.

3 **126.85 Remedial orders. (1) GENERAL.** The department may, by special
4 order, require a contractor to remedy a violation of this chapter or a rule promulgated
5 under this chapter. The department may order the contractor to take specific
6 remedial actions, including actions to remedy deficiencies or to prevent losses to
7 persons protected under this chapter. Except as provided in sub. (2), the department
8 shall give the contractor notice and an opportunity for hearing before the department
9 issues an order.

10 **(2) SUMMARY ORDER.** The department may issue an order under sub. (1) without
11 prior notice or hearing if the department finds that the order is necessary to prevent
12 a clear and imminent threat of harm to persons protected under this chapter.
13 Conditions indicating a clear and imminent threat of harm include the following:

14 (a) A contractor fails to pay producers according to this chapter or according
15 to the contractor's contracts with producers.

16 (b) A contractor fails to file replacement insurance within the time required
17 under this chapter.

18 (c) A contractor fails to file security according to this chapter, or in response to
19 the department's demand under this chapter.

20 (d) A contractor fails to pay a fund assessment when due.

21 (e) A vegetable contractor fails to pay vegetable producers by January 31 for
22 vegetables delivered by December 31 of the previous year, except as authorized in a
23 deferred payment contract.

24 (f) A grain warehouse keeper fails to return grain to depositors upon demand,
25 as required under s. 126.34 (4).

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1 (g) A grain warehouse keeper fails to maintain adequate grain inventory as
2 required under s. 126.34 (3), and at least one of the following applies:

3 1. The amount of the deficiency exceeds 10,000 bushels or 10% of the grain
4 warehouse keeper's obligations to depositors, whichever amount is less.

5 2. The grain warehouse keeper fails to correct the deficiency within 15 days
6 after receiving the department's written notice that a deficiency exists.

7 **(3) HEARING ON SUMMARY ORDER.** (a) A contractor named in a summary order
8 under sub. (2) may, within 10 days after receiving the order, request a hearing on the
9 order. The department shall hold an informal hearing as soon as possible after
10 receiving a hearing request, but not later than 10 days after receiving the hearing
11 request, unless the contractor waives the informal hearing or agrees to hold it at a
12 later date. If the matter is not resolved at the informal hearing, the department shall
13 hold a contested case hearing under ch. 227 as soon as reasonably possible.

14 (b) A hearing request under par. (a) does not automatically stay a summary
15 order. The department may stay a summary order pending hearing.

16 **126.86 License actions. (1) GENERAL.** The department may for cause deny,
17 suspend, revoke, or impose conditions on a contractor's license, as provided in s.
18 93.06 (7) and (8). Cause may include any of the following:

19 (a) The contractor fails to comply with this chapter or a rule promulgated under
20 this chapter.

21 (b) The contractor fails to comply with an order that the department issues
22 under this chapter.

23 (c) The contractor fails to provide relevant information that the department
24 requests under this chapter or falsifies information provided to the department.

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1 (d) The contractor fails to file a financial statement, security, fees, or
2 assessments required under this chapter, or fails to meet other requirements for
3 licensing.

4 (e) The contractor fails to honor contract obligations to persons who are
5 authorized to file default claims under s. 126.70 (1).

6 (f) The contractor fails to reimburse the department, within 60 days after the
7 department issues a reimbursement demand under s. 126.73 (1), for the full amount
8 that the department pays to claimants under s. 126.72 (1) because of the contractor's
9 default.

10 (g) The contractor fails to reimburse a bond surety, within 60 days after the
11 bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount
12 that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of
13 claimants affected by the contractor's default.

14 **(2) HEARING ON LICENSE ACTION; GENERAL.** Except as provided in sub. (3), the
15 department shall give a contractor notice and an opportunity for hearing before the
16 department suspends, revokes, or imposes conditions on a license held by the
17 contractor.

18 **(3) SUMMARY ACTION.** (a) The department may, without prior notice or hearing,
19 summarily suspend, revoke, or impose conditions on a license held by a contractor
20 if the department finds that summary action is necessary to prevent a clear and
21 imminent threat of harm to persons protected under this chapter. Conditions
22 indicating a clear and imminent threat of harm include those identified in s. 126.85
23 (2).

24 (b) A contractor who is the subject of a summary action under par. (a) may,
25 within 10 days after receiving notice of that action, request a hearing on the action.

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1 The department shall hold an informal hearing as soon as possible after receiving a
2 hearing request, but not later than 10 days after receiving the hearing request,
3 unless the contractor waives the informal hearing or agrees to hold it at a later date.
4 If the matter is not resolved at the informal hearing, the department shall hold a
5 contested case hearing under ch. 227 as soon as reasonably possible.

6 (c) A request for hearing under par. (b) does not automatically stay a summary
7 action under par. (a). The department may stay a summary action pending hearing.

8 **126.87 Court actions. (1) INJUNCTION.** The department may petition the
9 circuit court for an ex parte temporary restraining order, a temporary injunction, or
10 a permanent injunction to prevent, restrain, or enjoin any person from violating this
11 chapter, any rule promulgated under this chapter, or any order issued under this
12 chapter. The department may seek this remedy in addition to any other penalty or
13 remedy provided under this chapter.

14 **(2) PENALTIES.** (a) A person who violates this chapter, a rule promulgated under
15 this chapter, or an order issued under this chapter is subject to a forfeiture of not less
16 than \$250 nor more than \$5,000 for each violation.

17 (b) A person who intentionally violates this chapter, a rule promulgated under
18 this chapter, or an order issued under this chapter may be fined not more than
19 \$10,000 or imprisoned for not more than one year in the county jail or both.

20 **(4) PRIVATE REMEDY.** (a) A person whose claim is allowed under s. 126.70 may
21 bring an action against the contractor to recover the amount of the allowed claim, less
22 any recovery amount that the department pays to the claimant under s. 126.71. In
23 any court action under this subsection, the claimant may recover costs including all
24 reasonable attorney fees, notwithstanding s. 814.04 (1). This subsection does not

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1 limit any other legal cause of action that the claimant may have against the
2 contractor.

3 (b) A claim allowed under s. 126.70 has the same priority in an insolvency
4 proceeding or creditor's action as a claim for wages, except as otherwise provided by
5 federal law.

6 **(5) COLLECTIONS.** The department may bring an action in court to recover any
7 unpaid amount that a contractor owes the department under this chapter, including
8 any unpaid fund assessment or reimbursement.

9 **126.88 Modifying fund assessments.** The department may by rule modify
10 the fund assessments provided under s. 126.15, 126.30, 126.46, or 126.60. The
11 department shall modify fund assessments as necessary to do all of the following:

12 **(1)** Maintain an overall fund balance of at least \$5,000,000 after January 1,
13 2006, but not more than \$22,000,000 at any time.

14 **(2)** Maintain a fund balance attributable to grain dealers of at least \$1,000,000
15 after January 1, 2006, but not more than \$6,000,000 at any time.

16 **(3)** Maintain a fund balance attributable to grain warehouse keepers of at least
17 \$200,000 after January 1, 2006, but not more than \$1,000,000 at any time.

18 **(4)** Maintain a fund balance attributable to milk contractors of at least
19 \$3,000,000 after January 1, 2006, but not more than \$12,000,000 at any time.

20 **(5)** Maintain a fund balance attributable to vegetable contractors of at least
21 \$800,000 after January 1, 2006, but not more than \$3,000,000 at any time.

22 **126.89 Calculations.** If a number used in or resulting from a calculation made
23 to determine the amount of an assessment under s. 126.15, 126.30, 126.46, or 126.60,
24 other than a number that appears in one of those sections, extends more than 6
25 decimal places to the right of the decimal point, a person making the calculation shall

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1 round the number to the nearest whole digit in the 6th decimal place to the right of
2 the decimal point. The amount of an assessment may be rounded to the nearest
3 whole dollar.

4 **126.90 Agricultural producer security council.** The agricultural producer
5 security council shall advise the department on the administration and enforcement
6 of this chapter. The council shall meet as often as the department considers
7 necessary, but at least once annually. The department shall inform the council of
8 fund balances and payments, and shall consult with the council before modifying any
9 license fee, license surcharge, or fund assessment under this chapter.

10 **SECTION 2814.** Chapter 127 of the statutes is repealed.

11 **SECTION 2815.** 134.71 (5) (intro.) of the statutes is amended to read:

12 134.71 (5) LICENSE APPLICATION. (intro.) A person wishing to operate as a
13 secondhand article dealer or a secondhand jewelry dealer and have a principal place
14 of business in a municipality shall apply for a license to the clerk of that municipality.
15 A person wishing to operate as a pawnbroker in a municipality shall apply for a
16 license to the clerk of the municipality. The clerk shall furnish application forms
17 ~~under sub. (12)~~ that shall require all of the following:

18 **SECTION 2816.** 134.71 (8) (c) 1. of the statutes is amended to read:

19 134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase,
20 receipt or exchange of any secondhand article or secondhand jewelry from a
21 customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer
22 shall require the customer to complete and sign, in ink, the appropriate form
23 ~~provided under sub. (12)~~. No entry on such a form may be erased, mutilated or
24 changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer
25 shall retain an original and a duplicate of each form for not less than one year after

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1 the date of the transaction except as provided in par. (e), and during that period shall
2 make the duplicate available to any law enforcement officer for inspection at any
3 reasonable time.

4 **SECTION 2817.** 134.71 (12) of the statutes is amended to read:

5 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and
6 consumer protection shall may develop sample applications and other sample forms
7 required under subs. (5) (intro.) and (8) (c). ~~The department shall print a sufficient~~
8 ~~number of applications and forms to provide to counties and municipalities for~~
9 ~~distribution to pawnbrokers, secondhand article dealers and secondhand jewelry~~
10 ~~dealers at no cost and may provide the samples to counties and municipalities to~~
11 reproduce and distribute or to revise for reproduction and distribution.

12 **SECTION 2818.** 134.72 (title) of the statutes is amended to read:

13 **134.72 (title) Prohibition of certain unsolicited messages by telephone**
14 **or facsimile machine.**

15 **SECTION 2819.** 134.72 (1) (c) of the statutes is renumbered 100.52 (1) (e).

16 **SECTION 2820.** 134.72 (2) (title) of the statutes is repealed and recreated to
17 read:

18 134.72 (2) (title) PROHIBITION.

19 **SECTION 2821.** 134.72 (2) (a) of the statutes is renumbered 100.52 (2) and
20 amended to read:

21 100.52 (2) PRERECORDED TELEPHONE SOLICITATION. ~~No person~~ An employee of a
22 professional telemarketer may not use an electronically prerecorded message in
23 telephone solicitation without the consent of the person called.

24 **SECTION 2822.** 134.72 (2) (b) (title) of the statutes is repealed.

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1 **SECTION 2823.** 134.72 (2) (b) 1. (intro.), a. and b. and 2. of the statutes are
2 renumbered 134.72 (2) (a) (intro.), 1. and 2. and (b), and 134.72 (2) (b), as
3 renumbered, is amended to read:

4 134.72 (2) (b) Notwithstanding ~~subd. 1. par. (a)~~, a person may not make a
5 facsimile solicitation to a person who has notified the facsimile solicitor in writing
6 or by facsimile transmission that the person does not want to receive facsimile
7 solicitation.

8 **SECTION 2824.** 134.72 (3) (a) of the statutes is amended to read:

9 134.72 (3) (a) *Intrastate*. This section applies to any ~~intrastate telephone~~
10 ~~solicitation or~~ intrastate facsimile solicitation.

11 **SECTION 2825.** 134.72 (3) (b) of the statutes is amended to read:

12 134.72 (3) (b) *Interstate*. This section applies to any ~~interstate telephone~~
13 ~~solicitation, or~~ interstate facsimile solicitation, received by a person in this state.

14 **SECTION 2826.** 134.72 (4) of the statutes is amended to read:

15 134.72 (4) PENALTY. A person who violates this section may be required to
16 forfeit ~~up to~~ not more than \$500.

17 **SECTION 2827.** 135.02 (3) (c) of the statutes is created to read:

18 135.02 (3) (c) A contract or agreement, either expressed or implied, whether
19 oral or written, between 2 or more persons by which a wholesaler, as defined in s.
20 125.02 (21), is granted the right to sell or distribute fermented malt beverages or use
21 a trade name, trademark, service mark, logotype, brand, advertising, or other
22 commercial symbol related to fermented malt beverages.

23 **SECTION 2828.** 135.067 of the statutes is created to read:

24 **135.067 Fermented malt beverage dealerships. (1) COMPENSATION OF**
25 PRIOR DEALER. Notwithstanding s. 135.03, any person who assumes, in whole or in

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1 part, a dealership described in s. 135.02 (3) (c) following the grantor's termination,
2 cancellation, or nonrenewal in whole or in part of a prior dealership agreement shall
3 compensate the prior dealer for the fair market value of that portion of the dealership
4 assumed unless the grantor terminated, canceled, or failed to renew for any of the
5 following reasons:

6 (a) The prior dealer engaged in material fraudulent conduct or made material
7 and substantial misrepresentations in its dealings with the grantor or with others
8 related to the dealership.

9 (b) The prior dealer was convicted of, or pleaded no contest to, a felony crime
10 substantially related to the dealer's ability to operate the dealership.

11 (c) The prior dealer knowingly distributed dealership products outside the
12 territory authorized by the grantor.

13 **(2) BINDING ARBITRATION.** The grantor shall advise the person assuming the
14 dealership of the person's obligations under sub. (1) prior to the person's assumption
15 of the dealership. If the person assuming a dealership under sub. (1) and the prior
16 dealer agree in writing to the fair market value of that portion of the dealership
17 assumed, the person assuming the dealership shall pay the agreed upon sum to the
18 prior dealer within 30 days of the date on which the parties reached the agreement.
19 If no written agreement for compensation of the prior dealer is reached within 30
20 days after the grantor's termination, cancellation, or nonrenewal of the prior
21 dealership agreement, the prior dealer may submit the dispute for binding
22 arbitration, subject to ch. 788, through a nationally recognized arbitration
23 association. Unless the parties agree otherwise, the arbitration shall be conducted
24 on an expedited basis to the extent an expedited proceeding is reasonably available

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1 through the arbitration association, and each party shall pay an equal share of the
2 cost of the arbitration.

3 **SECTION 2829.** Chapter 137 (title) of the statutes is amended to read:

4 **CHAPTER 137**

5 **AUTHENTICATIONS AND ELECTRONIC**

6 **TRANSACTIONS AND RECORDS**

7 **SECTION 2830.** Subchapter I (title) of chapter 137 [precedes 137.01] of the
8 statutes is amended to read:

9 **CHAPTER 137**

10 **SUBCHAPTER I**

11 **NOTARIES AND COMMISSIONERS**

12 **OF DEEDS; NONELECTRONIC**

13 **NOTARIZATION AND ACKNOWLEDGEMENT**

14 **SECTION 2831.** 137.01 (3) (a) of the statutes is amended to read:

15 137.01 (3) (a) ~~Every~~ Except as authorized in s. 137.19, every notary public shall
16 provide an engraved official seal which makes a distinct and legible impression or
17 official rubber stamp which makes a distinct and legible imprint on paper. The
18 impression of the seal or the imprint of the rubber stamp shall state only the
19 following: "Notary Public," "State of Wisconsin" and the name of the notary. But any
20 notarial seal in use on August 1, 1959, shall be considered in compliance.

21 **SECTION 2832.** 137.01 (4) (a) of the statutes is amended to read:

22 137.01 (4) (a) Every official act of a notary public shall be attested by the notary
23 public's written signature or electronic signature, as defined in s. ~~137.04 (2)~~ 137.11
24 (8).

25 **SECTION 2833.** 137.01 (4) (b) of the statutes is amended to read:

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1 requires a written signature may be submitted by transforming the document into
2 as an electronic format, but only with the consent of the governmental unit that is
3 to receive the document record, and if submitted as an electronic record may
4 incorporate an electronic signature.

5 **SECTION 2838.** 137.06 of the statutes is repealed.

6 **SECTION 2839.** 137.11 to 137.24 of the statutes are created to read:

7 **137.11 Definitions.** In this subchapter:

8 (1) "Agreement" means the bargain of the parties in fact, as found in their
9 language or inferred from other circumstances and from rules, regulations, and
10 procedures given the effect of agreements under laws otherwise applicable to a
11 particular transaction.

12 (2) "Automated transaction" means a transaction conducted or performed, in
13 whole or in part, by electronic means or by the use of electronic records, in which the
14 acts or records of one or both parties are not reviewed by an individual in the ordinary
15 course in forming a contract, performing under an existing contract, or fulfilling an
16 obligation required by the transaction.

17 (3) "Computer program" means a set of statements or instructions to be used
18 directly or indirectly in an information processing system in order to bring about a
19 certain result.

20 (4) "Contract" means the total legal obligation resulting from the parties'
21 agreement as affected by this subchapter and other applicable law.

22 (5) "Electronic" means relating to technology having electrical, digital,
23 magnetic, wireless, optical, electromagnetic, or similar capabilities.

24 (6) "Electronic agent" means a computer program or an electronic or other
25 automated means used independently to initiate an action or respond to electronic

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1 records or performances in whole or in part, without review or action by an
2 individual.

3 (7) "Electronic record" means a record that is created, generated, sent,
4 communicated, received, or stored by electronic means.

5 (8) "Electronic signature" means an electronic sound, symbol, or process
6 attached to or logically associated with a record and executed or adopted by a person
7 with the intent to sign the record.

8 (9) "Governmental unit" means:

9 (a) An agency, department, board, commission, office, authority, institution, or
10 instrumentality of the federal government or of a state or of a political subdivision
11 of a state or special purpose district within a state, regardless of the branch or
12 branches of government in which it is located.

13 (b) A political subdivision of a state or special purpose district within a state.

14 (c) An association or society to which appropriations are made by law.

15 (d) Any body within one or more of the entities specified in pars. (a) to (c) that
16 is created or authorized to be created by the constitution, by law, or by action of one
17 or more of the entities specified in pars. (a) to (c).

18 (e) Any combination of any of the entities specified in pars. (a) to (d).

19 (10) "Information" means data, text, images, sounds, codes, computer
20 programs, software, databases, or the like.

21 (11) "Information processing system" means an electronic system for creating,
22 generating, sending, receiving, storing, displaying, or processing information.

23 (12) "Record" means information that is inscribed on a tangible medium or that
24 is stored in an electronic or other medium and is retrievable in perceivable form.

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1 **(13)** “Security procedure” means a procedure employed for the purpose of
2 verifying that an electronic signature, record, or performance is that of a specific
3 person or for detecting changes or errors in the information in an electronic record.
4 The term includes a procedure that requires the use of algorithms or other codes,
5 identifying words or numbers, encryption, callback, or other acknowledgment
6 procedures.

7 **(14)** “State” means a state of the United States, the District of Columbia,
8 Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject
9 to the jurisdiction of the United States. The term includes an Indian tribe or band,
10 or Alaskan native village, which is recognized by federal law or formally
11 acknowledged by a state.

12 **(15)** “Transaction” means an action or set of actions occurring between 2 or
13 more persons relating to the conduct of business, commercial, or governmental
14 affairs.

15 **137.12 Application.** **(1)** Except as otherwise provided in sub. (2) and except
16 in ss. 137.25 and 137.26, this subchapter applies to electronic records and electronic
17 signatures relating to a transaction.

18 **(2)** Except as otherwise provided in sub. (3), this subchapter does not apply to
19 a transaction to the extent it is governed by:

20 (a) Any law governing the execution of wills or the creation of testamentary
21 trusts; or

22 (b) Chapters 401 and 403 to 410, other than ss. 401.107 and 401.206.

23 **(3)** This subchapter applies to an electronic record or electronic signature
24 otherwise excluded from the application of this subchapter under sub. (2) to the
25 extent it is governed by a law other than those specified in sub. (2).

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1 (4) A transaction subject to this subchapter is also subject to other applicable
2 substantive law.

3 (5) This subchapter applies to the state of Wisconsin, unless otherwise
4 expressly provided.

5 **137.13 Use of electronic records and electronic signatures; variation**
6 **by agreement.** (1) This subchapter does not require a record or signature to be
7 created, generated, sent, communicated, received, stored, or otherwise processed or
8 used by electronic means or in electronic form.

9 (2) This subchapter applies only to transactions between parties each of which
10 has agreed to conduct transactions by electronic means. Whether the parties agree
11 to conduct a transaction by electronic means is determined from the context and
12 surrounding circumstances, including the parties' conduct.

13 (3) A party that agrees to conduct a transaction by electronic means may refuse
14 to conduct other transactions by electronic means. The right granted by this
15 subsection may not be waived by agreement.

16 (4) Except as otherwise provided in this subchapter, the effect of any provision
17 of this subchapter may be varied by agreement. Use of the words "unless otherwise
18 agreed," or words of similar import, in this subchapter shall not be interpreted to
19 preclude other provisions of this subchapter from being varied by agreement.

20 (5) Whether an electronic record or electronic signature has legal consequences
21 is determined by this subchapter and other applicable law.

22 **137.14 Construction.** This subchapter shall be construed and applied:

23 (1) To facilitate electronic transactions consistent with other applicable law;

24 (2) To be consistent with reasonable practices concerning electronic
25 transactions and with the continued expansion of those practices; and

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1 **(3)** To effectuate its general purpose to make uniform the law with respect to
2 the subject of this subchapter among states enacting laws substantially similar to
3 the Uniform Electronic Transactions Act as approved and recommended by the
4 National Conference of Commissioners on Uniform State Laws in 1999.

5 **137.15 Legal recognition of electronic records, electronic signatures,**
6 **and electronic contracts.** **(1)** A record or signature may not be denied legal effect
7 or enforceability solely because it is in electronic form.

8 **(2)** A contract may not be denied legal effect or enforceability solely because an
9 electronic record was used in its formation.

10 **(3)** If a law requires a record to be in writing, an electronic record satisfies that
11 requirement in that law.

12 **(4)** If a law requires a signature, an electronic signature satisfies that
13 requirement in that law.

14 **137.16 Provision of information in writing; presentation of records.**

15 **(1)** If parties have agreed to conduct a transaction by electronic means and a law
16 requires a person to provide, send, or deliver information in writing to another
17 person, a party may satisfy the requirement with respect to that transaction if the
18 information is provided, sent, or delivered, as the case may be, in an electronic record
19 capable of retention by the recipient at the time of receipt. An electronic record is not
20 capable of retention by the recipient if the sender or its information processing
21 system inhibits the ability of the recipient to print or store the electronic record.

22 **(2)** If a law other than this subchapter requires a record to be posted or
23 displayed in a certain manner, to be sent, communicated, or transmitted by a
24 specified method, or to contain information that is formatted in a certain manner,
25 then:

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1 (a) The record shall be posted or displayed in the manner specified in the other
2 law.

3 (b) Except as otherwise provided in sub. (4) (b), the record shall be sent,
4 communicated, or transmitted by the method specified in the other law.

5 (c) The record shall contain the information formatted in the manner specified
6 in the other law.

7 **(3)** If a sender inhibits the ability of a recipient to store or print an electronic
8 record, the electronic record is not enforceable against the recipient.

9 **(4)** The requirements of this section may not be varied by agreement, but:

10 (a) To the extent a law other than this subchapter requires information to be
11 provided, sent, or delivered in writing but permits that requirement to be varied by
12 agreement, the requirement under sub. (1) that the information be in the form of an
13 electronic record capable of retention may also be varied by agreement; and

14 (b) A requirement under a law other than this subchapter to send,
15 communicate, or transmit a record by 1st-class or regular mail or with postage
16 prepaid may be varied by agreement to the extent permitted by the other law.

17 **137.17 Attribution and effect of electronic records and electronic**
18 **signatures.** **(1)** An electronic record or electronic signature is attributable to a
19 person if the electronic record or electronic signature was created by the act of the
20 person. The act of the person may be shown in any manner, including a showing of
21 the efficacy of any security procedure applied to determine the person to which the
22 electronic record or electronic signature was attributable.

23 **(2)** The effect of an electronic record or electronic signature that is attributed
24 to a person under sub. (1) is determined from the context and surrounding

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1 circumstances at the time of its creation, execution, or adoption, including the
2 parties' agreement, if any, and otherwise as provided by law.

3 **137.18 Effect of change or error. (1)** If a change or error in an electronic
4 record occurs in a transmission between parties to a transaction, then:

5 (a) If the parties have agreed to use a security procedure to detect changes or
6 errors and one party has conformed to the procedure, but the other party has not, and
7 the nonconforming party would have detected the change or error had that party also
8 conformed, the conforming party may avoid the effect of the changed or erroneous
9 electronic record.

10 (b) In an automated transaction involving an individual, the individual may
11 avoid the effect of an electronic record that resulted from an error made by the
12 individual in dealing with the electronic agent of another person if the electronic
13 agent did not provide an opportunity for the prevention or correction of the error and,
14 at the time the individual learns of the error, the individual:

15 1. Promptly notifies the other person of the error and that the individual did
16 not intend to be bound by the electronic record received by the other person;

17 2. Takes reasonable steps, including steps that conform to the other person's
18 reasonable instructions, to return to the other person or, if instructed by the other
19 person, to destroy the consideration received, if any, as a result of the erroneous
20 electronic record; and

21 3. Has not used or received any benefit or value from the consideration, if any,
22 received from the other person.

23 **(2)** If neither sub. (1) (a) nor (b) applies, the change or error has the effect
24 provided by other law, including the law of mistake, and the parties' contract, if any.

25 **(3)** Subsections (1) (b) and (2) may not be varied by agreement.

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1 **137.19 Notarization and acknowledgement.** If a law requires a signature
2 or record to be notarized, acknowledged, verified, or made under oath, the
3 requirement is satisfied if the electronic signature of the person authorized to
4 administer the oath or to make the notarization, acknowledgment, or verification,
5 together with all other information required to be included by other applicable law,
6 is attached to or logically associated with the signature or record.

7 **137.20 Retention of electronic records; originals. (1)** If a law requires
8 that a record be retained, the requirement is satisfied by retaining the information
9 set forth in the record as an electronic record which:

10 (a) Accurately reflects the information set forth in the record after it was first
11 generated in its final form as an electronic record or otherwise; and

12 (b) Remains accessible for later reference.

13 **(2)** A requirement to retain a record in accordance with sub. (1) does not apply
14 to any information the sole purpose of which is to enable the record to be sent,
15 communicated, or received.

16 **(3)** A person may comply with sub. (1) by using the services of another person
17 if the requirements of that subsection are satisfied.

18 **(4)** Except as provided in sub. (6), if a law requires a record to be presented or
19 retained in its original form, or provides consequences if the record is not presented
20 or retained in its original form, a person may comply with that law by using an
21 electronic record that is retained in accordance with sub. (1).

22 **(5)** If a law requires retention of a check, that requirement is satisfied by
23 retention of an electronic record containing the information on the front and back of
24 the check in accordance with sub. (1).

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1 **(6)** A record retained as an electronic record in accordance with sub. (1)
2 satisfies a law requiring a person to retain a record for evidentiary, audit, or like
3 purposes, unless a law enacted after the effective date of this subsection [revisor
4 inserts date], specifically prohibits the use of an electronic record for the specified
5 purpose.

6 **(7)** This section does not preclude a governmental unit of this state from
7 specifying additional requirements for the retention of any record subject to the
8 jurisdiction of that governmental unit.

9 **137.21 Admissibility in evidence.** In a proceeding, a record or signature
10 may not be excluded as evidence solely because it is in electronic form.

11 **137.22 Automated transactions.** In an automated transaction:

12 **(1)** A contract may be formed by the interaction of electronic agents of the
13 parties, even if no individual was aware of or reviewed the electronic agent's actions
14 or the resulting terms and agreements.

15 **(2)** A contract may be formed by the interaction of an electronic agent and an
16 individual, acting on the individual's own behalf or for another person, including by
17 an interaction in which the individual performs actions that the individual is free to
18 refuse to perform and which the individual knows or has reason to know will cause
19 the electronic agent to complete the transaction or performance.

20 **(3)** The terms of a contract under sub. (1) or (2) are governed by the substantive
21 law applicable to the contract.

22 **137.23 Time and place of sending and receipt.** **(1)** Unless otherwise
23 agreed between the sender and the recipient, an electronic record is sent when it:

24 **(a)** Is addressed properly or otherwise directed properly to an information
25 processing system that the recipient has designated or uses for the purpose of

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1 receiving electronic records or information of the type sent and from which the
2 recipient is able to retrieve the electronic record;

3 (b) Is in a form capable of being processed by that system; and

4 (c) Enters an information processing system outside the control of the sender
5 or of a person that sent the electronic record on behalf of the sender or enters a region
6 of the information processing system designated or used by the recipient which is
7 under the control of the recipient.

8 **(2)** Unless otherwise agreed between a sender and the recipient, an electronic
9 record is received when:

10 (a) It enters an information processing system that the recipient has
11 designated or uses for the purpose of receiving electronic records or information of
12 the type sent and from which the recipient is able to retrieve the electronic record;
13 and

14 (b) It is in a form capable of being processed by that system.

15 **(3)** Subsection (2) applies even if the place where the information processing
16 system is located is different from the place where the electronic record is deemed
17 to be received under sub. (4).

18 **(4)** Unless otherwise expressly provided in the electronic record or agreed
19 between the sender and the recipient, an electronic record is deemed to be sent from
20 the sender's place of business and to be received at the recipient's place of business.

21 For purposes of this subsection:

22 (a) If the sender or recipient has more than one place of business, the place of
23 business of that person is the place having the closest relationship to the underlying
24 transaction.

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1 (b) If the sender or the recipient does not have a place of business, the place of
2 business is the sender's or recipient's residence, as the case may be.

3 (5) An electronic record is received under sub. (2) even if no individual is aware
4 of its receipt.

5 (6) Receipt of an electronic acknowledgment from an information processing
6 system described in sub. (2) establishes that a record was received but, by itself, does
7 not establish that the content sent corresponds to the content received.

8 (7) If a person is aware that an electronic record purportedly sent under sub.
9 (1), or purportedly received under sub. (2), was not actually sent or received, the legal
10 effect of the sending or receipt is determined by other applicable law. Except to the
11 extent permitted by the other law, the requirements of this subsection may not be
12 varied by agreement.

13 **137.24 Transferable records.** (1) In this section, "transferable record"
14 means an electronic record that would be a note under ch. 403 or a record under ch.
15 407 if the electronic record were in writing.

16 (1m) An electronic record qualifies as a transferable record under this section
17 only if the issuer of the electronic record expressly has agreed that the electronic
18 record is a transferable record.

19 (2) A person has control of a transferable record if a system employed for
20 evidencing the transfer of interests in the transferable record reliably establishes
21 that person as the person to which the transferable record was issued or transferred.

22 (3) A system satisfies the requirements of sub. (2), and a person is deemed to
23 have control of a transferable record, if the transferable record is created, stored, and
24 assigned in such a manner that:

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1 (a) A single authoritative copy of the transferable record exists which is unique,
2 identifiable, and, except as otherwise provided in pars. (d) to (f), unalterable;

3 (b) The authoritative copy identifies the person asserting control as the person
4 to which the transferable record was issued or, if the authoritative copy indicates
5 that the transferable record has been transferred, the person to which the
6 transferable record was most recently transferred;

7 (c) The authoritative copy is communicated to and maintained by the person
8 asserting control or its designated custodian;

9 (d) Copies or revisions that add or change an identified assignee of the
10 authoritative copy can be made only with the consent of the person asserting control;

11 (e) Each copy of the authoritative copy and any copy of a copy is readily
12 identifiable as a copy that is not the authoritative copy; and

13 (f) Any revision of the authoritative copy is readily identifiable as authorized
14 or unauthorized.

15 **(4)** Except as otherwise agreed, a person having control of a transferable record
16 is the holder, as defined in s. 401.201 (20), of the transferable record and has the same
17 rights and defenses as a holder of an equivalent record or writing under chs. 401 to
18 411, including, if the applicable statutory requirements under s. 403.302 (1),
19 407.501, or 409.308 are satisfied, the rights and defenses of a holder in due course,
20 a holder to which a negotiable record of title has been duly negotiated, or a purchaser,
21 respectively. Delivery, possession, and endorsement are not required to obtain or
22 exercise any of the rights under this subsection.

23 **(5)** Except as otherwise agreed, an obligor under a transferable record has the
24 same rights and defenses as an equivalent obligor under equivalent records or
25 writings under chs. 401 to 411.

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1 **(6)** If requested by a person against which enforcement is sought, the person
2 seeking to enforce the transferable record shall provide reasonable proof that the
3 person is in control of the transferable record. Proof may include access to the
4 authoritative copy of the transferable record and related business records sufficient
5 to review the terms of the transferable record and to establish the identity of the
6 person having control of the transferable record.

7 **SECTION 2840.** 137.25 (2) of the statutes is created to read:

8 **137.25 (2) (a)** The department of administration shall promulgate rules
9 concerning the use of electronic records and electronic signatures by governmental
10 units, which shall govern the use of electronic records or signatures by governmental
11 units, unless otherwise provided by law.

12 **(b)** The department of administration and the secretary of state shall jointly
13 promulgate rules establishing requirements that, unless otherwise provided by law,
14 a notary public must satisfy in order to use an electronic signature for any
15 attestation. The joint rules shall be numbered as rules of each agency in the
16 Wisconsin Administrative Code.

17 **SECTION 2841.** 137.26 of the statutes is created to read:

18 **137.26 Interoperability.** If a governmental unit of this state adopts
19 standards regarding its receipt of electronic records or electronic signatures under
20 s. 137.25, the governmental unit shall promote consistency and interoperability with
21 similar standards adopted by other governmental units of this state and other states
22 and the federal government and nongovernmental persons interacting with
23 governmental units of this state. Any standards so adopted may include alternative
24 provisions if warranted to meet particular applications.

25 **SECTION 2842.** 139.30 (7) of the statutes is amended to read:

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1 139.30 (7) “Manufacturer” means any person who manufactures cigarettes for
2 the purpose of sale, including the authorized agent of a person who manufactures
3 cigarettes for the purpose of sale.

4 **SECTION 2843.** 139.31 (4) of the statutes is created to read:

5 139.31 (4) No person may affix stamps, as described under s. 139.32, to any of
6 the following:

7 (a) A cigarette package on which a statement, label, stamp, sticker, or notice
8 indicates that the manufacturer did not intend the cigarettes in the package to be
9 sold, distributed, or used in the United States, including labels stating “for export
10 only,” “U.S. tax exempt,” “for use outside U.S.,” or similar wording.

11 (b) A cigarette package that is labeled as provided under federal law as not
12 intended for consumption in the United States.

13 (c) A cigarette package that is not labeled as provided under federal law.

14 (d) A cigarette package that is modified by a person who is not the cigarette
15 manufacturer.

16 (e) Any cigarettes that are imported into the United States after December 31,
17 1999, in violation of federal law.

18 **SECTION 2844.** 139.31 (5) of the statutes is created to read:

19 139.31 (5) (a) No person may alter a cigarette package before the sale or
20 distribution to the ultimate consumer so as to remove, conceal, or obscure any of the
21 following:

22 1. Any statement, label, stamp, sticker, or notice described in sub. (4) (a).

23 2. Any health warning that is specified in or that conforms with the
24 requirements under 15 USC 1333.

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1 (b) No person may affix stamps, as described in s. 139.32, to any cigarette
2 package that is altered as described in par. (a).

3 **SECTION 2845.** 139.321 (1m) of the statutes is created to read:

4 139.321 (1m) It is unlawful for any person to possess in excess of 400 cigarettes
5 as described under s. 139.31 (4) or (5) (b); or to sell or distribute cigarettes as
6 described under s. 139.31 (4) or (5) (b); except for cigarettes that may be brought into
7 the United States for personal use and cigarettes that are sold or intended for sale
8 by a duty-free enterprise, as provided under federal law.

9 **SECTION 2846.** 139.34 (3) of the statutes is created to read:

10 139.34 (3) No distributor may affix stamps to cigarette packages, as provided
11 in s. 139.32, unless the distributor certifies to the department, in a manner
12 prescribed by the department, that the distributor purchases cigarettes directly from
13 a manufacturer.

14 **SECTION 2847.** 139.39 (4m) of the statutes is created to read:

15 139.39 (4m) Any person may bring an action for a violation of s. 139.31 (4) or
16 (5) for actual damages sustained as a result of the violation and for injunctive relief.
17 Notwithstanding s. 814.04 (1), the court may order the violator to pay the prevailing
18 party's costs and reasonable attorney fees. The trier of fact may increase recovery
19 to an amount not exceeding 3 times the actual damages sustained as a result of the
20 violation, if the trier of fact determines that the violation is wilful.

21 **SECTION 2848.** 139.44 (8) (intro.) of the statutes is amended to read:

22 139.44 (8) (intro.) Penalties for violation of s. 139.321 (1) or (1m) shall be as
23 follows:

24 **SECTION 2849.** 146.36 of the statutes is repealed.

25 **SECTION 2850.** 146.55 (2m) (a) of the statutes is repealed and recreated to read:

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1 146.55 **(2m)** (a) The department shall contract with a physician to direct the
2 state emergency medical services program. The department may expend from the
3 funding under the federal preventive health services project grant program under
4 42 USC 2476 under the appropriation under s. 20.435 (1) (mc), \$25,000 in each fiscal
5 year for this purpose.

6 **SECTION 2851.** 153.45 (4) of the statutes is repealed.

7 **SECTION 2852.** 153.75 (1) (s) of the statutes is repealed.

8 **SECTION 2853.** 157.70 (2) (i) of the statutes is amended to read:

9 157.70 **(2)** (i) Cause a cataloged burial site to be recorded by the register of
10 deeds of the county in which the burial site is located. The historical society shall
11 reimburse the county for the cost of recording under this paragraph from the
12 appropriation under s. 20.245 ~~(3)~~ (1) (a).

13 **SECTION 2854.** 165.055 (3) of the statutes is repealed.

14 **SECTION 2855.** 165.25 (4) (ar) of the statutes is amended to read:

15 165.25 **(4)** (ar) The At the request of the department of agriculture, trade and
16 consumer protection, the department of justice ~~shall~~ may furnish ~~all~~ legal services
17 required by to the department of agriculture, trade and consumer protection relating
18 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,
19 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50,
20 and 100.51 and chs. 136, 344, 704, 707, and 779, together with any other services as
21 are necessarily connected to the legal services.

22 **SECTION 2856.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin Act
23 (this act), is amended to read:

24 165.25 **(4)** (ar) At the request of the department of agriculture, trade and
25 consumer protection, the department of justice may furnish legal services to the

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1 department of agriculture, trade and consumer protection relating to the
2 enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182,
3 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50, and
4 100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other services as
5 are necessarily connected to the legal services.

6 **SECTION 2857.** 165.40 (6) (a) (intro.) of the statutes is amended to read:

7 165.40 (6) (a) (intro.) No certificate of approval to maintain a hospital may be
8 issued under s. 50.35 and a certificate of approval that has been issued under that
9 section shall be ~~suspended or~~ revoked if any of the following occurs:

10 **SECTION 2858.** 165.755 (4) of the statutes is amended to read:

11 165.755 (4) If a municipal court imposes a forfeiture, after determining the
12 amount due under sub. (1) (a) the court shall collect and transmit such amount to the
13 treasurer of the county, city, town or village, and that treasurer shall make payment
14 to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

15 **SECTION 2859.** 165.87 of the statutes is created to read:

16 **165.87 Law enforcement training fund assessment. (1) LEVY OF**
17 **ASSESSMENT.** (a) Whenever a court imposes a fine or forfeiture for a violation of state
18 law or for a violation of a municipal or county ordinance except for a violation of s.
19 101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county
20 ordinances involving nonmoving traffic violations or safety belt use violations under
21 s. 347.48 (2m), there shall be imposed in addition a law enforcement training fund
22 assessment in an amount of 11% of the fine or forfeiture imposed. If multiple offenses
23 are involved, the assessment shall be based upon the total fine or forfeiture for all
24 offenses. When a fine or forfeiture is suspended in whole or in part, the assessment
25 shall be reduced in proportion to the suspension.

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1 (b) If a fine or forfeiture is imposed by a court of record, after a determination
2 by the court of the amount due, the clerk of the court shall collect and transmit the
3 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer
4 shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

5 (c) If a fine or forfeiture is imposed by a municipal court, after a determination
6 by the court of the amount due, the court shall collect and transmit the amount to
7 the treasurer of the county, city, town, or village, and that treasurer shall make
8 payment to the state treasurer as provided in s. 66.0114 (1) (bm).

9 (d) If any deposit of bail is made for a noncriminal offense to which this
10 subsection applies, the person making the deposit shall also deposit a sufficient
11 amount to include the assessment prescribed in this subsection for forfeited bail. If
12 bail is forfeited, the amount of the assessment shall be transmitted monthly to the
13 state treasurer under this subsection. If bail is returned, the assessment shall also
14 be returned.

15 **SECTION 2860.** 165.90 of the statutes is repealed.

16 **SECTION 2861.** 165.92 (3) (a) of the statutes is amended to read:

17 165.92 (3) (a) Unless otherwise provided in a ~~joint program plan~~ county
18 proposal under s. 165.90 ~~(2)~~ 16.964 (7) or an agreement between a political
19 subdivision of this state and a tribe, the tribe that employs a tribal law enforcement
20 officer is liable for all acts of the officer while acting within the scope of his or her
21 employment and neither the state nor any political subdivision of the state may be
22 held liable for any action of the officer taken under the authority of sub. (2) (a).

23 **SECTION 2862.** 166.03 (8) (f) of the statutes is amended to read:

24 166.03 (8) (f) If the total liability for worker's compensation benefits under par.
25 (d), indemnification under par. (e), and loss from destruction of equipment under sub.

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1 (9), incurred in any calendar year, exceeds \$1 per capita of the sponsor's population,
2 the state shall reimburse the sponsor for the excess. Payment shall be made from
3 the appropriation in s. ~~20.465 (3)~~ 20.865 (1) (a) on certificate of the adjutant general.

4 **SECTION 2863.** 166.20 (1) (gk) of the statutes is created to read:

5 166.20 (1) (gk) "Local emergency response team" means a team that the
6 committee identifies under s. 166.21 (2m) (e).

7 **SECTION 2864.** 166.20 (1) (im) of the statutes is created to read:

8 166.20 (1) (im) "Regional emergency response team" means a team that the
9 division contracts with under s. 166.215 (1).

10 **SECTION 2865.** 166.20 (2) (bm) 1. of the statutes is amended to read:

11 166.20 (2) (bm) 1. If a regional or local emergency response team has made a
12 good faith effort to identify a person responsible for the emergency involving a
13 release or potential release of a hazardous substance under s. 166.215 (3) or 166.22
14 (4).

15 **SECTION 2866.** 166.20 (2) (bm) 2. of the statutes is amended to read:

16 166.20 (2) (bm) 2. If a person responsible for the emergency involving a release
17 or potential release of a hazardous substance under s. 166.215 (3) or 166.22 (4) is
18 financially able or has the money or resources necessary to reimburse a regional or
19 local emergency response team for the expenses incurred by the regional or local
20 emergency response team in responding to the release emergency.

21 **SECTION 2867.** 166.20 (2) (bs) of the statutes is created to read:

22 166.20 (2) (bs) 1. Promulgate rules that establish the procedures that a
23 regional emergency response team shall follow to determine if an emergency that
24 requires the team's response exists as the result of a level A release or a potential
25 level A release.

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1 2. Promulgate rules that establish the procedures that a local emergency
2 response team shall follow to determine if an emergency that requires the team's
3 response exists as the result of a release or potential release of a hazardous
4 substance, as defined in s. 299.01 (6).

5 **SECTION 2868.** 166.21 (2m) (e) of the statutes is amended to read:

6 166.21 (2m) (e) Identification of a ~~county~~ local emergency response team that
7 is capable of responding to a level B release that occurs at any place in the county and
8 whose members meet the standards for hazardous materials technicians in 29 CFR
9 1910.120 (q) (6) (iii) and national fire protection association standards NFPA 471 and
10 472.

11 **SECTION 2869.** 166.21 (2m) (f) of the statutes is amended to read:

12 166.21 (2m) (f) Procedures for ~~county~~ local emergency response team actions
13 that are consistent with local emergency response plans developed under s. 166.20
14 (3) and the state contingency plan established under s. 292.11 (5).

15 **SECTION 2870.** 166.215 (1) of the statutes is amended to read:

16 166.215 (1) Beginning July 1, 2001, the division shall contract with no more
17 than 9 regional emergency response teams, one of which shall be located in La Crosse
18 County. Each regional emergency response team shall assist in the emergency
19 response to level A releases in a region of this state designated by the division. The
20 division shall contract with at least one regional emergency response team in each
21 area designated under s. 166.03 (2) (b) 1. The division may only contract with a local
22 agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional
23 emergency response team shall meet the highest standards for a hazardous
24 materials ~~specialist~~ responder in 29 CFR 1910.120 (q) (6) (iv) and ~~national fire~~
25 ~~protection association~~ National Fire Protection Association standards NFPA 471

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1 and 472. Regional emergency response teams shall have at least one member that
2 is trained in each of the appropriate specialty areas under National Fire Protection
3 Association standard NFPA 472. Payments to regional emergency response teams
4 under this subsection shall be made from the appropriation account under s. 20.465
5 (3) (dd). Regional emergency response teams that receive funding under this section
6 shall file an annual financial report with the adjutant general in a format prescribed
7 by the department of military affairs no later than 90 days after the end of the fiscal
8 year of the team's sponsoring public agency.

9 **SECTION 2871.** 166.215 (2) of the statutes is amended to read:

10 166.215 (2) The division shall reimburse a regional emergency response team
11 for costs incurred by the team in responding to an emergency involving a level A
12 release under sub. (1), or a potential level A release, if the team followed the
13 procedures in the rules promulgated under s. 166.20 (2) (bs) 1. to determine if an
14 emergency requiring a response existed. Reimbursement under this subsection is
15 limited to amounts collected under sub. (3) and the amounts appropriated under s.
16 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the
17 regional emergency response team has made a good faith effort to identify the person
18 responsible under sub. (3) and that person cannot be identified, or, if that person is
19 identified, the team has received reimbursement from that person to the extent that
20 the person is financially able or has determined that the person does not have
21 adequate money or other resources to reimburse the regional emergency response
22 team.

23 **SECTION 2872.** 166.215 (3) of the statutes is repealed and recreated to read:

24 166.215 (3) A person shall reimburse the division for costs incurred by a
25 regional emergency response team in responding to an emergency if the team

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1 followed the procedures established under s. 166.20 (2) (bs) 1. to determine if an
2 emergency requiring the team's response existed and if any of the following
3 conditions applies:

4 (a) The person possessed or controlled a hazardous substance that was involved
5 in the emergency.

6 (b) The person caused the emergency.

7 **SECTION 2873.** 166.22 (1) (a) of the statutes is repealed.

8 **SECTION 2874.** 166.22 (1) (c) of the statutes is amended to read:

9 166.22 (1) (c) "Local agency" means an agency of a county, city, village, or town,
10 including a municipal police or fire department, a municipal health organization, a
11 county office of emergency management, a county sheriff, an emergency medical
12 service, a local emergency response team, or a public works department.

13 **SECTION 2875.** 166.22 (1) (d) of the statutes is created to read:

14 166.22 (1) (d) "Local emergency response team" means a team that the
15 committee identifies under s. 166.21 (2m) (e).

16 **SECTION 2876.** 166.22 (2) of the statutes is amended to read:

17 166.22 (2) A person who possesses or controls a hazardous substance that is
18 discharged released or who causes the discharge release of a hazardous substance
19 shall take the actions necessary to protect public health and safety and prevent
20 damage to property.

21 **SECTION 2877.** 166.22 (3) of the statutes is amended to read:

22 166.22 (3) If action required under sub. (2) is not being adequately taken or the
23 identity of the person responsible for a discharge an emergency involving a release
24 or potential release of a hazardous substance is unknown and the discharge
25 emergency involving a release or potential release threatens public health or safety

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1 or damage to property, a local agency may take any emergency action that is
2 consistent with the contingency plan for the undertaking of emergency actions in
3 response to the ~~discharge~~ release or potential release of hazardous substances
4 established by the department of natural resources under s. 292.11 (5) and that it
5 considers appropriate under the circumstances.

6 **SECTION 2878.** 166.22 (3m) of the statutes is amended to read:

7 166.22 (3m) The division shall reimburse a local emergency response team for
8 costs incurred by the team in responding to an emergency involving a hazardous
9 substance ~~discharge under sub. (3)~~ release, or potential release, if the team followed
10 the procedures in the rules promulgated under s. 166.20 (2) (bs) 2. to determine if an
11 emergency requiring the team's response existed. Reimbursement under this
12 subsection is limited to the amount appropriated under s. 20.465 (3) (dr).
13 Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency
14 response team has made a good faith effort to identify the person responsible under
15 sub. (4) and that person cannot be identified, or, if that person is identified, the team
16 has received reimbursement from that person to the extent that the person is
17 financially able or has determined that the person does not have adequate money or
18 other resources to reimburse the local emergency response team.

19 **SECTION 2879.** 166.22 (4) of the statutes is repealed and recreated to read:

20 166.22 (4) (a) Except as provided in par. (b), a person shall reimburse a local
21 agency as provided in sub. (5) for actual, reasonable, and necessary expenses
22 incurred in responding to an emergency involving the release or potential release of
23 a hazardous substance if any of the following conditions applies:

24 1. The person possessed or controlled a hazardous substance involved in the
25 emergency.

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1 2. The person caused the emergency.

2 (b) A local emergency response team may receive reimbursement under par. (a)
3 only if the team followed the procedures established under s. 166.20 (2) (bs) 2. to
4 determine if an emergency requiring the team's response existed.

5 **SECTION 2880.** 166.22 (5) (am) of the statutes is amended to read:

6 166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall
7 submit a claim stating its expenses to the reviewing entity for the county in which
8 the discharge emergency occurred.

9 **SECTION 2881.** 166.22 (5) (b) of the statutes is amended to read:

10 166.22 (5) (b) The reviewing entity shall review claims submitted under par.
11 (am) and determine the amount of reasonable and necessary expenses incurred. The
12 reviewing entity shall provide a person who is liable for reimbursement under sub.
13 (4) with a notice of the amount of expenses it has determined to be reasonable and
14 necessary that ~~arise from one discharge and are~~ arose from the emergency involving
15 the release or potential release of a hazardous substance and that were incurred by
16 all local agencies from which the reviewing entity receives a claim.

17 **SECTION 2882.** 175.35 (2i) of the statutes is amended to read:

18 175.35 (2i) The department shall charge a firearms dealer ~~an \$8~~ a \$12 fee for
19 each firearms restrictions record search that the firearms dealer requests under sub.
20 (2) (c). The firearms dealer may collect the fee from the transferee. The department
21 may refuse to conduct firearms restrictions record searches for any firearms dealer
22 who fails to pay any fee under this subsection within 30 days after billing by the
23 department.

24 **SECTION 2883.** 177.06 (3) (b) of the statutes is amended to read:

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1 177.06 (3) (b) Assess a service charge after December 31 of the 2nd calendar
2 year covered in the report filed under s. 177.17 concerning that property.

3 **SECTION 2884.** 177.06 (4) of the statutes is amended to read:

4 177.06 (4) Any property described in sub. (1) that is automatically renewable
5 is matured for purposes of sub. (1) upon the expiration of its initial time period, or
6 after one year if the initial period is less than one year, except that in the case of any
7 renewal to which the owner consents at or about the time of renewal by
8 communicating in writing with the banking or financial organization or otherwise
9 indicating consent as evidenced by a memorandum or other record on file prepared
10 by an employee of the organization, the property is matured upon the expiration of
11 the last time period for which consent was given or one year from the date of the last
12 consent, whichever is longer. If, at the time provided for delivery in s. ~~177.19~~ 177.17
13 (4) (a), a penalty or forfeiture in the payment of interest would result from the
14 delivery of the property, the time for delivery is extended until the time when no
15 penalty or forfeiture would result.

16 **SECTION 2885.** 177.10 (1) (intro.) of the statutes is amended to read:

17 177.10 (1) (intro.) Except as provided in subs. (2) and (5), any stock or other
18 intangible ownership interest in a business association, the existence of which is
19 evidenced by records available to the association, is presumed abandoned and, with
20 respect to the interest, the association is the holder, if a dividend, distribution or
21 other sum payable as a result of the interest has remained unclaimed by the owner
22 for ~~7~~ 5 years and the owner has not done either of the following within ~~7~~ 5 years:

23 **SECTION 2886.** 177.10 (2) and (3) of the statutes are amended to read:

24 177.10 (2) At the expiration of a ~~7~~-year 5-year period following the failure of
25 the owner to claim a dividend, distribution or other sum payable to the owner as a

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1 result of the interest, the interest is not presumed abandoned unless there have been
2 at least ~~7~~ 5 dividends, distributions or other sums paid during the period, none of
3 which has been claimed by the owner. If ~~7~~ 5 dividends, distributions or other sums
4 are paid during the ~~7-year~~ 5-year period, the period leading to a presumption of
5 abandonment commences on the date on which payment of the first such unclaimed
6 dividend, distribution or other sum became due and payable. If ~~7~~ 5 dividends,
7 distributions or other sums are not paid during the presumptive period, the period
8 continues to run until there have been ~~7~~ 5 dividends, distributions or other sums that
9 have not been claimed by the owner.

10 **(3)** The running of the ~~7-year~~ 5-year period of abandonment ceases
11 immediately upon the occurrence of a communication specified under sub. (1). If any
12 future dividend, distribution or other sum payable to the owner as a result of the
13 interest is subsequently not claimed by the owner, a new period of abandonment
14 commences and relates back to the time a subsequent dividend, distribution or other
15 sum became due and payable.

16 **SECTION 2887.** 177.10 (5) of the statutes is amended to read:

17 177.10 **(5)** This chapter does not apply to any stock or other intangible
18 ownership interest enrolled in a plan that provides for the automatic reinvestment
19 of dividends, distributions or other sums payable as a result of the interest unless
20 the records available to the administrator of the plan show, with respect to any
21 intangible ownership interest not enrolled in the reinvestment plan, that the owner
22 has not within ~~7~~ 5 years communicated in any manner specified under sub. (1).

23 **SECTION 2888.** 177.17 (title) of the statutes is amended to read:

24 **177.17 (title) Report Reporting, payment, and delivery of abandoned**
25 **property.**

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1 **SECTION 2889.** 177.17 (4) of the statutes is renumbered 177.17 (4) (a) 1. and
2 amended to read:

3 177.17 (4) (a) 1. Before ~~May~~ November 1 of each ~~even-numbered~~ year, each
4 holder shall file a report covering the ~~2~~ previous calendar ~~years~~ year. On written
5 request by any person required to file a report, the administrator may ~~postpone the~~
6 ~~reporting date~~ extend the deadline established in this paragraph.

7 **SECTION 2890.** 177.17 (4) (a) 2. of the statutes is created to read:

8 177.17 (4) (a) 2. Except as otherwise provided in this subdivision and s. 177.06
9 (4), upon filing the report under subd. 1., the holder shall pay or deliver to the
10 administrator all abandoned property required to be reported. This subdivision does
11 not apply to abandoned property that is in the form of amounts credited under s.
12 20.912 (1) to the support collections trust fund or amounts not distributable from the
13 support collections trust fund to the persons for whom the amounts were awarded.

14 **SECTION 2891.** 177.18 (title) of the statutes is amended to read:

15 **177.18 (title) Notice and publication of lists of abandoned or escheated**
16 **property.**

17 **SECTION 2892.** 177.18 (1) of the statutes is amended to read:

18 177.18 (1) The ~~Before July 1 of each year,~~ the administrator shall publish a
19 notice entitled "Notice of names of persons appearing to be owners of abandoned
20 property" ~~not later than the September 20 following the report required under s.~~
21 ~~177.17.~~ Except as provided in sub. (1m), the notice shall include the name of each
22 person identified in a report filed under s. 177.17 since the publication of the previous
23 notice. The administrator shall publish the notice as a class 1 notice under ch. 985,
24 in a newspaper of general circulation in the county in which is located the
25 last-known address of the person to be named in the notice. If no address is listed

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1 or the address is outside this state, the notice shall be published in the county in
2 which the holder of the property has its principal place of business within this state.

3 **SECTION 2893.** 177.18 (2) (intro.) of the statutes is amended to read:

4 177.18 (2) (intro.) ~~The published~~ A notice under sub. (1) shall contain all of the
5 following:

6 **SECTION 2894.** 177.18 (2) (c) of the statutes is repealed.

7 **SECTION 2895.** 177.18 (2) (d) of the statutes is renumbered 177.18 (2m) and
8 amended to read:

9 177.18 (2m) For money or other property received under s. 852.01 (3), 863.37
10 (2) or 863.39 (1), ~~the a~~ notice shall be published at least annually in the official state
11 newspaper and shall include the name of the decedent, the time and place of the
12 decedent's death, the amount paid to the administrator, the name of the decedent's
13 personal representative, the county in which the estate is probated and a statement
14 that the money will be paid to the heirs or legatees without interest, on proof of
15 ownership, if claimed within 10 years from the date of publication as provided in s.
16 863.39 (3).

17 **SECTION 2896.** 177.19 (title), (1) and (2) of the statutes are repealed.

18 **SECTION 2897.** 177.19 (4) of the statutes is renumbered 177.17 (4) (b) and
19 amended to read:

20 177.17 (4) (b) The holder of an interest under s. 177.10 shall deliver to the
21 administrator, upon filing the report required under this section, a duplicate
22 certificate or other evidence of ownership if the holder does not issue certificates of
23 ownership. Upon delivery of a duplicate certificate to the administrator, the holder
24 and any transfer agent, registrar or other person acting for or on behalf of a holder
25 in executing or delivering the duplicate certificate are relieved of all liability, as

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1 provided under s. 177.20, to any person, including any person acquiring the original
2 certificate or the duplicate of the certificate issued to the administrator, for any loss
3 or damage caused by the issuance and delivery of the duplicate certificate to the
4 administrator.

5 **SECTION 2898.** 177.22 (1) of the statutes is amended to read:

6 177.22 (1) Except as provided in subs. (2) and ~~(3)~~ (4), the administrator, within
7 3 years after the receipt of abandoned property, shall sell it to the highest bidder at
8 public sale in the city, village or town in this state which, in the judgment of the
9 administrator, affords the most favorable market for the property. The
10 administrator may decline the highest bid and reoffer the property for sale if, in his
11 or her judgment, the bid is insufficient. If the administrator determines that the
12 probable cost of sale exceeds the value of the property, it need not be offered for sale.
13 Any sale held under this section shall be preceded by the publication of one notice,
14 at least 3 weeks in advance of sale, in a newspaper of general circulation in the county
15 in which the property is to be sold.

16 **SECTION 2899.** 177.22 (3) of the statutes is repealed.

17 **SECTION 2900.** 177.22 (4) of the statutes is amended to read:

18 177.22 (4) Unless the administrator determines that it is in the best interest
19 of this state to do otherwise, he or she shall hold all securities ~~presumed abandoned~~
20 ~~under s. 177.10, and delivered to the administrator, for at least 3 years~~ one year
21 before selling them. If the administrator sells any securities delivered under s.
22 177.10 before the expiration of the 3-year period, any person making a claim under
23 this chapter before the end of the 3-year period is entitled either to the proceeds of
24 the sale of the securities or to the market value of the securities at the time the claim
25 is made, whichever amount is greater, less any deduction for fees under s. 177.23 (2).

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1 ~~A person making a claim under this chapter after the expiration of the 3-year period~~
2 ~~is entitled to receive either the securities delivered to the administrator by the~~
3 ~~holder, if the administrator still has them, or to the proceeds from their sale, less any~~
4 ~~amounts deducted under s. 177.23 (2). No person has any claim under this chapter~~
5 ~~against this state, the holder, any transfer agent, registrar or other person acting for~~
6 ~~or on behalf of a holder for any appreciation in the value of the property occurring~~
7 ~~after delivery by the holder to the administrator.~~

8 **SECTION 2901.** 177.23 (1) of the statutes is amended to read:

9 177.23 (1) Except as provided in sub. (2), the administrator shall deposit in the
10 school fund all funds received under this chapter, including the clear proceeds from
11 the sale of abandoned property under s. 177.22. Before making the deposit, the
12 administrator shall record the name and last-known address of each person
13 appearing from the holders' reports to be entitled to the property and the name and
14 last-known address of each insured person or annuitant and beneficiary and, with
15 respect to each policy or contract listed in the report of an insurance company, its
16 number, the name of the company and the amount due. The information recorded
17 by the administrator under this subsection is not available for inspection or copying
18 under s. 19.35 (1) until 24 months after payment or delivery of the property is due
19 under s. ~~177.19 (1)~~ 177.17 (4) (a).

20 **SECTION 2902.** 177.24 (1) of the statutes is renumbered 177.24 (1) (a).

21 **SECTION 2903.** 177.24 (1) (b) of the statutes is created to read:

22 177.24 (1) (b) Any person, except another state, claiming an interest in any
23 property that is reported to the administrator under s. 177.17 and that is in the form
24 of amounts credited under s. 20.912 (1) to the support collections trust fund or
25 amounts not distributable from the support collections trust fund to the persons for

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1 whom the amounts were awarded may file a claim with the administrator, after
2 December 1 following the report, on a form prescribed by the administrator and
3 verified by the claimant.

4 **SECTION 2904.** 177.24 (2) of the statutes is amended to read:

5 177.24 (2) The administrator shall consider each claim within 90 days after it
6 is filed and may refer any claim to the attorney general for an opinion. For each claim
7 referred, the attorney general shall advise the administrator either to allow it or to
8 deny it in whole or in part. The administrator shall give written notice to the
9 claimant if the claim is denied in whole or in part. The notice ~~may~~ shall be given by
10 mailing it to the last address, if any, stated in the claim as the address to which
11 notices are to be sent. If no address for notices is stated in the claim, the notice ~~may~~
12 shall be mailed to the last address, if any, ~~of the claimant as stated in the claim as~~
13 the address of the claimant. No notice of denial need be given if the claim fails to state
14 either the last address to which notices are to be sent or the address of the claimant.

15 **SECTION 2905.** 177.24 (3) of the statutes is renumbered 177.24 (3) (a) and
16 amended to read:

17 177.24 (3) (a) ~~If Except as provided in par. (b), if~~ a claim is allowed, the
18 administrator shall deliver the property to the claimant or pay the claimant the
19 amount the administrator actually received or the net proceeds of the sale of the
20 property, together with any additional amount required under s. 177.21. ~~If the claim~~
21 ~~is for property presumed abandoned under s. 177.10 which was sold by the~~
22 ~~administrator within 3 years after the date of delivery, the amount payable for that~~
23 ~~claim is the value of the property at the time the claim was made or the net proceeds~~
24 ~~of sale, whichever is greater.~~ If the property claimed was interest bearing to the
25 owner on the date of surrender by the holder, the administrator shall pay interest at

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1 a rate of 6% per year or any lesser rate the property earned while in the possession
2 of the holder. Interest begins to accrue when the property is delivered to the
3 administrator and ceases on the earlier of the expiration of 10 years after delivery
4 or the date on which payment is made to the owner. No interest on interest-bearing
5 property is payable for any period before December 31, 1984.

6 **SECTION 2906.** 177.24 (3) (b) of the statutes is created to read:

7 177.24 (3) (b) If the administrator allows a claim made under sub. (1) (b), the
8 administrator shall pay the claimant the amount reported to the administrator
9 under s. 177.17.

10 **SECTION 2907.** 177.24 (4) of the statutes is amended to read:

11 177.24 (4) Any holder who pays the owner for property that has been delivered
12 to this state which, if claimed from the administrator, would be subject to sub. (3) (a)
13 shall add interest as provided under sub. (3) (a). The added interest shall be repaid
14 to the holder by the administrator in the same manner as the principal.

15 **SECTION 2908.** 177.25 (1m) of the statutes is created to read:

16 177.25 (1m) At any time after December 1 following the reporting, under s.
17 177.17, of property that is in the form of amounts credited under s. 20.912 (1) to the
18 support collections trust fund or amounts not distributable from the support
19 collections trust fund to the persons for whom the amounts were awarded, another
20 state may recover the property under any of the circumstances described in sub. (1)
21 (a) to (d).

22 **SECTION 2909.** 177.25 (2) of the statutes is amended to read:

23 177.25 (2) The claim of another state to recover escheated or abandoned
24 property shall be presented in a form prescribed by the administrator, who shall
25 decide the claim within 90 days after it is presented. The administrator shall allow

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1 the claim if he or she determines that the other state is entitled to the abandoned
2 property under sub. (1) or (1m).

3 **SECTION 2910.** 177.265 of the statutes is created to read:

4 **177.265 Reimbursement for claims and administrative expenses. (1)**

5 At least quarterly, the department of workforce development shall reimburse the
6 administrator, based on information provided by the administrator, for all of the
7 following:

8 (a) Any claims paid under ss. 177.24 to 177.26, since the last reimbursement
9 was made, with respect to abandoned property in the form of amounts credited under
10 s. 20.912 (1) to the support collections trust fund and amounts not distributable from
11 the support collections trust fund to the persons for whom the amounts were
12 awarded.

13 (b) Any administrative expenses specified in s. 177.23 (2) (a) to (e), incurred
14 since the last reimbursement was made, with respect to abandoned property in the
15 form of amounts credited under s. 20.912 (1) to the support collections trust fund and
16 amounts not distributable from the support collections trust fund to the persons for
17 whom the amounts were awarded.

18 **(2)** The administrator shall deposit in the general fund all moneys received
19 under sub. (1).

20 **SECTION 2911.** 177.35 (2) of the statutes is renumbered 177.35 (2) (a) and
21 amended to read:

22 177.35 **(2)** (a) An agreement entered into under this section is not enforceable
23 if the agreement is entered into within 24 12 months after payment or delivery of the
24 property is due under s. ~~177.19 (1)~~ 177.17 (4) (a).

25 **SECTION 2912.** 177.35 (2) (b) of the statutes is created to read:

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1 177.35 (2) (b) An agreement entered into under this section that relates to
2 property that is in the form of amounts credited under s. 20.912 (1) to the support
3 collections trust fund or amounts not distributable from the support collections trust
4 fund to the persons for whom the amounts were awarded is not enforceable if the
5 agreement is entered into within 12 months after December 1 following the reporting
6 of the property under s. 177.17.

7 **SECTION 2913.** 178.48 (2) of the statutes is amended to read:

8 178.48 (2) The department shall collect a ~~\$10~~ the fee established under s.
9 182.01 (4) (c) each time process is served on the department under this chapter.

10 **SECTION 2914.** 178.48 (3) of the statutes is amended to read:

11 178.48 (3) In addition to the fees required under sub. (1), the department shall
12 collect ~~\$25~~ the fee established under s. 182.01 (4) (d) for processing in an expeditious
13 manner a document required or permitted to be filed with the department under this
14 chapter.

15 **SECTION 2915.** 179.16 (4) of the statutes is repealed.

16 **SECTION 2916.** 179.16 (5) of the statutes is amended to read:

17 179.16 (5) The department shall charge and collect, for processing a document
18 required or permitted to be filed under this chapter in an expeditious manner, ~~or~~
19 ~~preparing the information under sub. (4) in an expeditious manner, the expedited~~
20 ~~service~~ the fee established under s. 182.01 (4) (d) in addition to the fee required by
21 other provisions of this chapter.

22 **SECTION 2917.** 179.88 of the statutes is amended to read:

23 **179.88 Substituted service.** Service of process on the department under this
24 subchapter shall be made by serving of duplicate copies of the process on the
25 department, together with a ~~the fee of \$10~~ the fee established under s. 182.01 (4) (c). The

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1 department shall mail notice of the service and a copy of the process within 10 days
2 addressed to the foreign limited partnership at its office in the state of its
3 organization. The time within which the foreign limited partnership may answer or
4 move to dismiss under s. 802.06 (2) does not start to run until 10 days after the date
5 of the mailing. The department shall keep a record of service of process under this
6 section showing the day and hour of service and the date of mailing.

7 **SECTION 2918.** 180.0122 (1) (z) of the statutes is amended to read:

8 180.0122 (1) (z) Request for certificate or statement of status, \$5 the fee
9 established under s. 182.01 (4) (b).

10 **SECTION 2919.** 180.0122 (2) of the statutes is amended to read:

11 180.0122 (2) The department shall collect a \$10 the fee established under s.
12 182.01 (4) (c) each time process is served on the department under this chapter. The
13 party to a civil, criminal, administrative or investigatory proceeding causing service
14 of process may recover this fee as costs if the party prevails in the proceeding.

15 **SECTION 2920.** 180.0122 (4) of the statutes is amended to read:

16 180.0122 (4) In addition to the fees required under sub. (1), the department
17 shall collect the expedited service fee established under s. 182.01 (4) (d) for
18 processing in an expeditious manner a document required or permitted to be filed
19 under this chapter ~~or~~ and shall collect the fee established under s. 182.01 (4) (f) for
20 preparing in an expeditious manner a certificate of status under s. 180.0128 (1) to
21 (3) or a statement of status under s. 180.0128 (4).

22 **SECTION 2921.** 181.0122 (1) (zm) of the statutes is amended to read:

23 181.0122 (1) (zm) Request for certificate or statement of status, \$5 ~~or, if~~
24 ~~information other than the information provided under s. 181.0128 (2) is requested,~~
25 \$10 the fee established under s. 182.01 (4) (b).

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1 **SECTION 2922.** 181.0122 (2) of the statutes is amended to read:

2 181.0122 (2) PROCESS FEE. The department shall collect a ~~-\$10~~ the fee
3 established under s. 182.01 (4) (c) each time process is served on the department
4 under this chapter. The party to a civil, criminal, administrative or investigatory
5 proceeding who is causing service of process may recover this fee as costs if the party
6 prevails in the proceeding.

7 **SECTION 2923.** 181.0122 (4) of the statutes is amended to read:

8 181.0122 (4) EXPEDITED SERVICE FEE. In addition to the fees required under sub.
9 (1), the department shall collect the expedited service fee established under s. 182.01
10 (4) (d) for processing, in an expeditious manner, a document required or permitted
11 to be filed under this chapter ~~or~~ and shall collect the fee established under s. 182.01
12 (4) (f) for preparing, in an expeditious manner, a certificate of status under s.
13 181.0128 (2) or a statement of status under s. 181.0128 (4).

14 **SECTION 2924.** 182.01 (4) of the statutes is repealed and recreated to read:

15 182.01 (4) PREPARATION OF COPIES, ISSUANCE OF CERTIFICATES, AND PERFORMANCE
16 OF SERVICES. The department shall establish by rule the fees for all of the following:

17 (a) Providing electronic access to, or preparing and supplying copies or certified
18 copies of, any resolution, deed, bond, record, document, or paper deposited with or
19 kept by the department under this section.

20 (b) Issuing certificates or statements, in any form, relating to the results of
21 searches of records and files of the department.

22 (c) Processing any service of process, notice, or demand served on the
23 department.

24 (d) Processing, in an expeditious manner, a document required or permitted to
25 be filed with the department.

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1 (e) Providing, in an expeditious manner, electronic access to any resolution,
2 deed, bond, record, document, or paper deposited with or kept by the department
3 under this section.

4 (f) Preparing, in an expeditious manner, any copies, certified copies,
5 certificates, or statements provided under this section.

6 **SECTION 2925.** 183.0105 (8) (c) of the statutes is amended to read:

7 183.0105 (8) (c) If Except as provided in par. (cm), if the address of the limited
8 liability company's principal office cannot be determined from the records of the
9 department, the limited liability company may be served by publishing a class 3
10 notice, under ch. 985, in the community where the limited liability company's
11 registered office, as most recently designated in the records of the department, is
12 located.

13 **SECTION 2926.** 183.0105 (8) (cm) of the statutes is created to read:

14 183.0105 (8) (cm) If a process, notice, or demand is served by the department
15 on a limited liability company under s. 183.0911 and the address of the limited
16 liability company's principal office cannot be determined from the records of the
17 department, the limited liability company may be served by publishing a class 2
18 notice, under ch. 985, in the official state newspaper.

19 **SECTION 2927.** 183.0114 (1) (t) of the statutes is amended to read:

20 183.0114 (1) (t) Request for certificate or statement of status, \$5 the fee
21 established under s. 182.01 (4) (b).

22 **SECTION 2928.** 183.0114 (1) (u) of the statutes is amended to read:

23 183.0114 (1) (u) Processing in an expeditious manner a document required or
24 permitted to be filed under this chapter, or preparing in an expeditious manner a
25 certificate or statement of status, \$25 the fee established under s. 182.01 (4) (d).

SENATE BILL 55**SECTION 2929**

1 **SECTION 2929.** 183.0910 of the statutes is created to read:

2 **183.0910 Grounds for administrative dissolution.** The department may
3 bring a proceeding under s. 183.0911 to administratively dissolve a limited liability
4 company if any of the following occurs:

5 (1) The limited liability company does not pay, within one year after they are
6 due, any fees or penalties due the department under this chapter.

7 (3) The limited liability company is without a registered agent or registered
8 office in this state for at least one year.

9 (4) The limited liability company does not notify the department within one
10 year that its registered agent or registered office has been changed, that its
11 registered agent has resigned, or that its registered office has been discontinued.

12 **SECTION 2930.** 183.0911 of the statutes is created to read:

13 **183.0911 Procedure for and effect of administrative dissolution.** (1) If
14 the department determines that one or more grounds exist under s. 183.0910 for
15 dissolving a limited liability company, the department shall serve the limited
16 liability company under s. 183.0105 (8) with written notice of the determination.

17 (2) (a) Within 60 days after service of the notice is perfected under s. 183.0105
18 (8), the limited liability company shall correct each ground for dissolution or
19 demonstrate to the reasonable satisfaction of the department that each ground
20 determined by the department does not exist.

21 (b) If the limited liability company fails to satisfy par. (a), the department shall
22 administratively dissolve the limited liability company by issuing a certificate of
23 dissolution that recites each ground for dissolution and the effective date of
24 dissolution. The department shall file the original of the certificate and serve a copy
25 on the limited liability company under s. 183.0105 (8).

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1 **(3)** Sections 183.0903 to 183.0905 and 183.0907 to 183.0909 apply to a limited
2 liability company that is administratively dissolved.

3 **(4)** A limited liability company's right to the exclusive use of its company name
4 terminates on the effective date of its administrative dissolution.

5 **SECTION 2931.** 183.0912 of the statutes is created to read:

6 **183.0912 Reinstatement following administrative dissolution.** **(1)** A
7 limited liability company that is administratively dissolved may apply to the
8 department for reinstatement. The application shall include all of the following:

9 (a) The name of the limited liability company and the effective date of its
10 administrative dissolution.

11 (b) A statement that each ground for dissolution either did not exist or has been
12 cured.

13 (c) A statement that the limited liability company's name satisfies s. 183.0103.

14 **(2)** (a) The department shall cancel the certificate of dissolution and issue a
15 certificate of reinstatement that complies with par. (b) if the department determines
16 all of the following:

17 1. That the application contains the information required by sub. (1) and the
18 information is correct.

19 2. That all fees and penalties owed by the limited liability company to the
20 department under this chapter have been paid.

21 (b) The certificate of reinstatement shall state the department's determination
22 under par. (a) and the effective date of reinstatement. The department shall file the
23 certificate and provide a copy to the limited liability company or its representative.

24 **(3)** When the reinstatement becomes effective, it shall relate back to and take
25 effect as of the effective date of the administrative dissolution, and the limited

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1 liability company may resume carrying on its business as if the administrative
2 dissolution had never occurred.

3 **SECTION 2932.** 183.0913 of the statutes is created to read:

4 **183.0913 Appeal from denial of reinstatement.** (1) If the department
5 denies a limited liability company's application for reinstatement under s. 183.0912,
6 the department shall serve the limited liability company under s. 183.0105 (8) with
7 a written notice that explains each reason for denial.

8 (2) The limited liability company may appeal the denial of reinstatement to the
9 circuit court for the county where the limited liability company's principal office or,
10 if none in this state, its registered office is located, within 30 days after service of the
11 notice of denial is perfected. The limited liability company shall appeal by
12 petitioning the court to set aside the dissolution and attaching to the petition copies
13 of the department's certificate of dissolution, the limited liability company's
14 application for reinstatement, and the department's notice of denial.

15 (3) The court may order the department to reinstate the dissolved limited
16 liability company or may take other action that the court considers appropriate.

17 (4) The court's final decision may be appealed as in other civil proceedings.

18 **SECTION 2933.** 185.83 (1) (d) of the statutes is amended to read:

19 185.83 (1) (d) Receiving services of any process, notice or demand, authorized
20 to be served on the department by this chapter, ~~\$10~~ the fee established under s.
21 182.01 (4) (c).

22 **SECTION 2934.** 185.83 (1) (f) of the statutes is repealed.

23 **SECTION 2935.** 185.83 (1) (fm) of the statutes is repealed.

24 **SECTION 2936.** 185.83 (1) (h) of the statutes is amended to read:

SENATE BILL 55**SECTION 2936**

1 185.83 (1) (h) Processing a document required or permitted to be filed or
2 recorded under this chapter in an expeditious manner, ~~or preparing the information~~
3 ~~under par. (f) or (fm) in an expeditious manner, \$25 the fee established under s.~~
4 182.01 (4) (d) in addition to the fee required by other provisions of this chapter.

5 **SECTION 2937.** 186.01 (2) of the statutes is amended to read:

6 186.01 (2) "Credit union" means, except as specifically provided under ss.
7 186.41 (1) and 186.45 (1), a cooperative, nonprofit corporation, incorporated under
8 this chapter to encourage thrift among its members, create a source of credit at a fair
9 and reasonable cost, and provide an opportunity for its members to improve their
10 economic and social conditions.

11 **SECTION 2938.** 186.02 (2) (a) 1. of the statutes is amended to read:

12 186.02 (2) (a) 1. The conditions of residence or occupation which qualify persons
13 that determine eligibility for membership.

14 **SECTION 2939.** 186.02 (2) (b) 2. of the statutes is amended to read:

15 186.02 (2) (b) 2. Residents Except as otherwise provided in this subdivision,
16 individuals who reside or are employed within a well-defined neighborhood,
17 community or rural district and contiguous neighborhoods and communities. If the
18 office of credit unions, subsequent to a credit union merger, determines that it would
19 be inappropriate under the circumstances to require members of the credit union
20 that results from the merger to reside or be employed in contiguous neighborhoods
21 and communities, the requirement that these neighborhoods and communities be
22 contiguous does not apply.

23 **SECTION 2940.** 186.02 (2) (b) 2m. of the statutes is created to read:

24 186.02 (2) (b) 2m. Individuals who reside or are employed within well-defined
25 and contiguous rural districts or multicounty regions.

SENATE BILL 55**SECTION 2941**

1 **SECTION 2941.** 186.02 (2) (c) of the statutes is amended to read:

2 186.02 (2) (c) Members of the immediate family of all qualified persons are
3 eligible for membership. ~~In this paragraph, “members of the immediate family”~~
4 ~~include the wife, husband, parents, stepchildren and children of a member whether~~
5 ~~living together in the same household or not and any other relatives of the member~~
6 ~~or spouse of a member living together in the same household as the member.~~

7 **SECTION 2942.** 186.02 (2) (d) of the statutes is renumbered 186.02 (2) (d) 1. and
8 amended to read:

9 186.02 (2) (d) 1. ~~Organizations and associations~~ An organization or association
10 of individuals, the majority of whom the directors, owners, or members of which are
11 eligible for membership, may be admitted to membership in the same manner and
12 under the same conditions as individuals.

13 **SECTION 2943.** 186.02 (2) (d) 2. of the statutes is created to read:

14 186.02 (2) (d) 2. An organization or association that has its principal business
15 location within any geographic limits of the credit union’s field of membership may
16 be admitted to membership.

17 **SECTION 2944.** 186.11 (4) (title) of the statutes is amended to read:

18 186.11 (4) (title) INVESTMENT IN CREDIT UNION SERVICE CORPORATIONS
19 ORGANIZATIONS.

20 **SECTION 2945.** 186.11 (4) (a) of the statutes is renumbered 186.11 (4) (a) (intro.)
21 and amended to read:

22 186.11 (4) (a) (intro.) ~~A~~ Unless the office of credit unions approves a higher
23 percentage, a credit union may invest not more than 1.5% of its total assets in the
24 capital shares or obligations of a credit union service corporation organizations that
25 satisfy all of the following:

SENATE BILL 55**SECTION 2945**

1 2. Are organized primarily to provide goods and services to credit unions, credit
2 union organizations, and credit union members.

3 **SECTION 2946.** 186.11 (4) (a) 1. of the statutes is created to read:

4 186.11 (4) (a) 1. Are corporations, limited partnerships, limited liability
5 companies, or other entities that are permitted under the laws of this state and that
6 are approved by the office of credit unions.

7 **SECTION 2947.** 186.11 (4) (b) (intro.) and 1. of the statutes are amended to read:

8 186.11 (4) (b) (intro.) A credit union service corporation organization under par.
9 (a) may provide goods and services including any of the following:

10 1. Credit union operations services, including service centers, credit and debit
11 card services, automated teller and remote terminal services, electronic transaction
12 services, accounting systems, data processing, management training and support,
13 payment item processing, record retention and storage, locator services, research,
14 debt collection, credit analysis and loan servicing, coin and currency services, and
15 marketing and advertising services.

16 **SECTION 2948.** 186.11 (4) (c) of the statutes is amended to read:

17 186.11 (4) (c) A credit union service corporation organization may be subject
18 to audit by the office of credit unions.

19 **SECTION 2949.** 186.113 (1) of the statutes is amended to read:

20 186.113 (1) BRANCH OFFICES. ~~If the need and necessity exist and with~~ With the
21 approval of the office of credit unions, establish branch offices inside this state ~~or no~~
22 ~~more than 25 miles~~ or outside of this state. Permanent records may be maintained
23 at branch offices established under this subsection. In this subsection, the term
24 “branch office” does not include a remote terminal, a limited services office, or a
25 service center.

SENATE BILL 55**SECTION 2950**

1 **SECTION 2950.** 186.113 (1m) (a) (intro.) of the statutes is amended to read:

2 186.113 **(1m)** (a) (intro.) ~~Establish~~ Before the effective date of this paragraph
3 ... [revisor inserts date], establish limited services offices outside this state to serve
4 any member of the credit union if all of the following requirements are met:

5 **SECTION 2951.** 186.113 (6) (b) and (c) of the statutes are amended to read:

6 186.113 **(6)** (b) Act as trustees or custodians of member tax deferred retirement
7 funds, individual retirement accounts, medical savings accounts, or other employee
8 benefit accounts or funds permitted by federal law to be deposited in a credit union.

9 (c) Act as a depository for ~~member-deferred~~ member qualified and
10 nonqualified deferred compensation funds as permitted by federal law.

11 **SECTION 2952.** 186.113 (24) of the statutes is created to read:

12 186.113 **(24)** FUNERAL TRUSTS. Accept deposits made by members for the
13 purpose of funding burial agreements by trusts created pursuant to s. 445.125.

14 **SECTION 2953.** 186.20 of the statutes is created to read:

15 **186.20 Financial privacy.** A credit union shall comply with any applicable
16 requirements under 15 USC 6801 to 6803 and any applicable regulations prescribed
17 by the national credit union administration under 15 USC 6804.

18 **SECTION 2954.** 186.235 (7) (a) (intro.) of the statutes is amended to read:

19 186.235 **(7)** (a) (intro.) Employees of the office of credit unions and members
20 of the review board shall keep secret all the facts and information obtained in the
21 course of examinations, ~~except~~ or contained in any report provided by a credit union
22 other than any semiannual or quarterly financial report that is regularly filed with
23 the office of credit unions. This requirement does not apply in any of the following
24 situations:

25 **SECTION 2955.** 186.235 (7) (c) of the statutes is created to read:

SENATE BILL 55**SECTION 2955**

1 186.235 (7) (c) If any person mentioned in par. (a) discloses any information
2 about the private account or transactions of a credit union or any information
3 obtained in the course of an examination of a credit union, except as provided in pars.
4 (a) and (b), that person may be required to forfeit his or her office or position and may
5 be fined not less than \$100 nor more than \$1,000, or imprisoned for not less than 6
6 months nor more than 3 years, or both.

7 **SECTION 2956.** 186.235 (7m) of the statutes is created to read:

8 186.235 (7m) RETURN OF EXAMINATION REPORTS. Examination reports possessed
9 by a credit union are confidential, remain the property of the office of credit unions,
10 and shall be returned to the office of credit unions immediately upon request.

11 **SECTION 2957.** 186.235 (16) (a) of the statutes is renumbered 186.235 (16).

12 **SECTION 2958.** 186.235 (16) (b) of the statutes is repealed.

13 **SECTION 2959.** 186.235 (16m) of the statutes is created to read:

14 186.235 (16m) FINANCIAL PRIVACY EXAMINATION. The office of credit unions shall
15 examine a credit union to determine the credit union's compliance with s. 186.20.

16 **SECTION 2960.** 186.36 of the statutes is amended to read:

17 **186.36 Sale of insurance in credit unions.** Any officer or employee of a
18 credit union, when acting as an agent for the sale of insurance on behalf of the credit
19 union, shall pay all commissions received from the sale of ~~credit life insurance or~~
20 ~~credit accident and sickness insurance~~ to the credit union.

21 **SECTION 2961.** 186.41 (title) of the statutes is amended to read:

22 **186.41 (title) Interstate acquisition acquisitions and merger mergers**
23 **of credit unions.**

24 **SECTION 2962.** 186.41 (1) (a) of the statutes is renumbered 186.41 (1) (bm) and
25 amended to read:

SENATE BILL 55**SECTION 2962**

1 186.41 (1) (bm) “~~In-state~~ Wisconsin credit union” means a credit union having
2 its principal office located in this state.

3 **SECTION 2963.** 186.41 (1) (c) of the statutes is renumbered 186.41 (1) (am) and
4 amended to read:

5 186.41 (1) (am) “~~Regional Out-of-state~~ credit union” means a state or federal
6 credit union ~~that has its, the~~ principal office of which is located in ~~one of the regional~~
7 states a state other than this state.

8 **SECTION 2964.** 186.41 (1) (d) of the statutes is repealed.

9 **SECTION 2965.** 186.41 (2) and (3) of the statutes are amended to read:

10 186.41 (2) ~~IN-STATE~~ WISCONSIN CREDIT UNION. (a) ~~An in-state~~ A Wisconsin credit
11 union may do any of the following:

12 1. Acquire an interest in, or some or all of the assets and liabilities of, one or
13 more ~~regional out-of-state~~ credit unions.

14 2. Merge with one or more ~~regional out-of-state~~ credit unions.

15 (b) ~~An in-state~~ A Wisconsin credit union proposing any action under par. (a)
16 shall provide the office of credit unions a copy of any original application seeking
17 approval by a federal agency or by an agency of ~~the regional~~ another state and of any
18 supplemental material or amendments filed in connection with any application.

19 **(3) REGIONAL OUT-OF-STATE** CREDIT UNIONS. Except as provided in sub. (4), a
20 ~~regional~~ an out-of-state credit union may do any of the following:

21 (a) Acquire an interest in, or some or all of the assets of, one or more ~~in-state~~
22 Wisconsin credit unions.

23 (b) Merge with one or more ~~in-state~~ Wisconsin credit unions.

24 **SECTION 2966.** 186.41 (4) (intro.), (a) to (d) and (f) of the statutes are amended
25 to read:

SENATE BILL 55**SECTION 2966**

1 186.41 (4) LIMITATIONS. (intro.) ~~A regional~~ An out-of-state credit union may
2 not take any action under sub. (3) until all of the following conditions have been met:

3 (a) The office of credit unions finds that the statutes of the ~~regional~~ state in
4 which the ~~regional~~ out-of-state credit union has its principal office permit ~~in-state~~
5 Wisconsin credit unions to both acquire ~~regional~~ out-of-state credit union assets and
6 merge with one or more ~~regional~~ out-of-state credit unions in the ~~regional~~ that state.

7 (b) The office of credit unions has not disapproved the acquisition of ~~in-state~~
8 Wisconsin credit union assets or the merger with the ~~in-state~~ Wisconsin credit union
9 under sub. (5).

10 (c) The office of credit unions gives a class 3 notice, under ch. 985, in the official
11 state newspaper, of the application to take an action under sub. (3) and of the
12 opportunity for a hearing and, if at least 25 residents of this state petition for a
13 hearing within 30 days of the final notice or if the office of credit unions on its own
14 motion calls for a hearing within 30 days of the final notice, the office of credit unions
15 holds a public hearing on the application, except that a hearing is not required if the
16 office of credit unions finds that an emergency exists and that the proposed action
17 under sub. (3) is necessary and appropriate to prevent the probable failure of an
18 ~~in-state~~ a Wisconsin credit union that is closed or in danger of closing.

19 (d) The office of credit unions is provided a copy of any original application
20 seeking approval by a federal agency of the acquisition of ~~in-state~~ Wisconsin credit
21 union assets or of the merger with an ~~in-state~~ a Wisconsin credit union and of any
22 supplemental material or amendments filed with the application.

23 (f) With regard to an acquisition of assets of an ~~in-state~~ a Wisconsin credit
24 union that is chartered on or after May 9, 1986, the ~~in-state~~ Wisconsin credit union
25 has been in existence for at least 5 years before the date of acquisition.

SENATE BILL 55**SECTION 2967**

1 **SECTION 2967.** 186.41 (5) (a), (b), (c) and (cr) of the statutes are amended to
2 read:

3 186.41 (5) (a) Considering the financial and managerial resources and future
4 prospects of the applicant and of the in-state Wisconsin credit union concerned, the
5 action would be contrary to the best interests of the members of the in-state
6 Wisconsin credit union.

7 (b) The action would be detrimental to the safety and soundness of the
8 applicant or of the in-state Wisconsin credit union concerned, or to a subsidiary or
9 affiliate of the applicant or of the in-state Wisconsin credit union.

10 (c) Because the applicant, its executive officers, or directors have not
11 established a record of sound performance, efficient management, financial
12 responsibility, and integrity, the action would be contrary to the best interests of the
13 creditors, the members or, the other customers of the applicant or of the in-state, the
14 Wisconsin credit union, ~~or contrary to the best interests of the public.~~

15 (cr) The applicant has failed to propose to provide adequate and appropriate
16 services of the type contemplated by the community reinvestment act of 1977 in the
17 community in which the in-state Wisconsin credit union which the applicant
18 proposes to acquire or merge with is located.

19 **SECTION 2968.** 186.41 (6) (a) of the statutes is renumbered 186.41 (6).

20 **SECTION 2969.** 186.41 (6) (b) of the statutes is repealed.

21 **SECTION 2970.** 186.41 (8) of the statutes is repealed.

22 **SECTION 2971.** 186.45 of the statutes is created to read:

23 **186.45 Non-Wisconsin credit union, Wisconsin offices. (1) DEFINITIONS.**

24 In this section:

SENATE BILL 55**SECTION 2971**

1 (a) "Non-Wisconsin credit union" means a credit union organized under the
2 laws of and with its principal office located in a state other than this state.

3 (b) "Wisconsin credit union" has the meaning given in s. 186.41 (1) (bm).

4 **(2) APPROVAL.** A non-Wisconsin credit union may open an office and conduct
5 business as a credit union in this state if the office of credit unions finds that
6 Wisconsin credit unions are allowed to do business in the other state under
7 conditions similar to those contained in this section and that all of the following apply
8 to the non-Wisconsin credit union:

9 (a) It is a credit union organized under laws similar to the credit union laws of
10 this state.

11 (b) It is financially solvent based upon national board ratings.

12 (c) It has member savings insured with federal share insurance.

13 (d) It is effectively examined and supervised by the credit union authorities of
14 the state in which it is organized.

15 (e) It has received approval from the credit union authorities of the state in
16 which it is organized.

17 (f) It has a need to place an office in this state to adequately serve its members
18 in this state.

19 (g) It meets all other relevant standards or qualifications established by the
20 office of credit unions.

21 **(3) REQUIREMENTS.** A non-Wisconsin credit union shall agree to do all of the
22 following:

23 (a) Grant loans at rates not in excess of the rates permitted for Wisconsin credit
24 unions.

25 (b) Comply with this state's laws.

SENATE BILL 55**SECTION 2971**

1 (c) Designate and maintain an agent for the service of process in this state.

2 (4) RECORDS. As a condition of a non-Wisconsin credit union doing business in
3 this state under this section, the office of credit unions may require copies of
4 examination reports and related correspondence regarding the non-Wisconsin
5 credit union.

6 **SECTION 2972.** 186.80 of the statutes is created to read:

7 **186.80 False statements.** (a) No officer, director, or employee of a credit
8 union may do any of the following:

9 1. Willfully and knowingly subscribe to or make, or cause to be made, a false
10 statement or entry in the books of the credit union.

11 2. Knowingly subscribe to or exhibit false information with the intent to deceive
12 any person authorized to examine the affairs of the credit union.

13 3. Knowingly make, state, or publish any false report or statement of the credit
14 union.

15 (b) Any person who violates par. (a) may be fined not less than \$1,000 nor more
16 than \$5,000, or imprisoned for not less than one year nor more than 15 years, or both.

17 **SECTION 2973.** 196.01 (3n) of the statutes is repealed.

18 **SECTION 2974.** 196.01 (3p) of the statutes is repealed.

19 **SECTION 2975.** 196.01 (3q) of the statutes is renumbered 101.91 (6m) and
20 amended to read:

21 101.91 (6m) “Mobile Manufactured home park contractor” means a person,
22 other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with
23 a mobile manufactured home park operator, provides water or sewer service to a
24 mobile manufactured home park occupant or performs a service related to providing
25 water or sewer service to a mobile manufactured home park occupant.

SENATE BILL 55**SECTION 2976**

1 **SECTION 2976.** 196.01 (3s) of the statutes is renumbered 101.91 (7) and
2 amended to read:

3 101.91 (7) “~~Mobile~~ Manufactured home park occupant” means a person who
4 rents or owns a ~~mobile~~ manufactured home in a ~~mobile~~ manufactured home park.

5 **SECTION 2977.** 196.01 (3t) of the statutes is renumbered 101.91 (8) and
6 amended to read:

7 101.91 (8) “~~Mobile~~ Manufactured home park operator” means a person
8 engaged in the business of owning or managing a ~~mobile~~ manufactured home park.

9 **SECTION 2978.** 196.07 (2) of the statutes is amended to read:

10 196.07 (2) If a public utility fails to file a report with the commission containing
11 its balance sheet and other information prescribed by the commission by the date the
12 report is due under sub. (1), the commission may prepare the report from the records
13 of the public utility. All expenses of the commission in preparing the report, plus a
14 penalty equal to 50% of the amount of the expenses, shall be assessed against and
15 collected from the public utility under s. 196.85. The amount of the charge to a public
16 utility shall not be limited by s. 196.85 (1) (b) and shall be in addition to any other
17 charges assessable under s. 196.85. The penalty provision of the charge shall be
18 credited to the general fund under s. 20.906.

19 **SECTION 2979.** 196.195 (12) (b) 1. d. of the statutes is repealed.

20 **SECTION 2980.** 196.196 (1) (cm) of the statutes is repealed.

21 **SECTION 2981.** 196.196 (5) (b) 6. of the statutes is repealed.

22 **SECTION 2982.** 196.218 (5) (a) 5. of the statutes is amended to read:

23 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to
24 the extent that these costs are not paid under s. 44.73 (2) (d), except that no moneys
25 in the universal service fund may be used to pay installation costs that are necessary

SENATE BILL 55**SECTION 2982**

1 for a political subdivision to obtain access to bandwidth under a shared service
2 agreement under s. 44.73 (2r) (a).

3 **SECTION 2983.** 196.218 (5) (a) 6. of the statutes is amended to read:

4 196.218 (5) (a) 6. To pay the department of administration electronic
5 government for telecommunications services provided under s. ~~16.973~~ 22.05 (1) to
6 the campuses of the University of Wisconsin System at River Falls, Stout, Superior
7 and Whitewater.

8 **SECTION 2984.** 196.218 (5r) (a) 4. of the statutes is amended to read:

9 196.218 (5r) (a) 4. An assessment of how successful investments identified in
10 s. 196.196 (5) (f), assistance provided by the universal service fund ~~or the Wisconsin~~
11 ~~advanced telecommunications foundation,~~ and price regulation and other
12 alternative incentive regulations of telecommunications utilities designed to
13 promote competition have been in advancing the public interest goals identified
14 under s. 196.03 (6), and recommendations for further advancing those goals.

15 **SECTION 2985.** 196.219 (4) (a) of the statutes is amended to read:

16 196.219 (4) (a) ~~On the commission's own motion or upon complaint filed by the~~
17 ~~consumer, the~~ The commission, in its own name or on behalf of consumers, shall have
18 jurisdiction to take administrative action, including initiating a contested case, or to
19 commence civil actions against telecommunications utilities or providers to enforce
20 this section.

21 **SECTION 2986.** 196.219 (4) (b) of the statutes is amended to read:

22 196.219 (4) (b) The commission, in its own name or on behalf of consumers,
23 may, at its discretion, take administrative action, including initiating a contested
24 case, or institute in any court of competent jurisdiction a proceeding against a
25 telecommunications utility or provider for injunctive relief, to compel compliance

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1 with this section, to compel the accounting and refund of any moneys collected in
2 violation of this section, or for any other appropriate relief permitted under this
3 chapter. The commission may directly impose forfeitures for violations of this
4 section.

5 **SECTION 2987.** 196.219 (4m) (b) of the statutes is amended to read:

6 196.219 (4m) (b) ~~Upon request of the commission, the attorney general may~~
7 The commission may take administrative action, including initiating a contested
8 case, or bring an action to require a telecommunications utility or provider to
9 compensate any person for any pecuniary loss caused by the failure of the utility or
10 provider to comply with this section. Upon the request of the commission, the
11 attorney general may bring an action specified in this paragraph.

12 **SECTION 2988.** 196.22 of the statutes is amended to read:

13 **196.22 Discrimination forbidden.** No public utility may charge, demand,
14 collect, or receive more or less compensation for any service performed by it within
15 the state, or for any service in connection therewith, than is specified in the schedules
16 for the service filed under s. 196.19, including schedules of joint rates, as may at the
17 time be in force, or demand, collect, or receive any rate, toll, or charge not specified
18 in the schedule. Payments made for violations of this chapter by telecommunications
19 providers are not contrary to this section.

20 **SECTION 2989.** 196.26 (1) (a) of the statutes is amended to read:

21 196.26 (1) (a) A complaint filed with the commission that any rate, toll, charge,
22 or schedule, joint rate, regulation, measurement, act, or practice relating to the
23 provision of heat, light, water, power, or telecommunications service, ~~or to the~~
24 ~~provision of water or sewer service by a mobile home park operator or mobile home~~

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1 ~~park contractor~~, is unreasonable, inadequate, unjustly discriminatory, or cannot be
2 obtained.

3 **SECTION 2990.** 196.26 (1m) of the statutes is amended to read:

4 196.26 **(1m)** INVESTIGATION OF COMPLAINT. If any mercantile, agricultural, or
5 manufacturing society, body politic, municipal organization, or 25 persons file a
6 complaint specified in sub. (1) (a) against a public utility, or if the commission
7 terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person
8 files a complaint specified in sub. (1) (c), the commission, with or without notice, may
9 investigate the complaint under this section as it considers necessary. ~~If the mobile
10 home park occupants of 25% of the total number of mobile homes in a mobile home
11 park or the mobile home park occupants of 25 mobile homes in a mobile home park,
12 whichever is less, files a complaint specified in sub. (1) (a) against a mobile home park
13 contractor or mobile home park operator, the commission, with or without notice,
14 may investigate the complaint as it considers necessary. The commission may not
15 issue an order based on an investigation under this subsection without a public
16 hearing.~~

17 **SECTION 2991.** 196.26 (2) (a) of the statutes is amended to read:

18 196.26 **(2)** (a) Prior to a hearing under this section, the commission shall notify
19 the public utility, ~~mobile home park contractor, mobile home park operator~~ or party
20 to an interconnection agreement complained of that a complaint has been made, and
21 10 days after the notice has been given the commission may proceed to set a time and
22 place for a hearing and an investigation. This paragraph does not apply to a
23 complaint specified in sub. (1) (b).

24 **SECTION 2992.** 196.26 (2) (b) of the statutes is amended to read:

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1 196.26 (2) (b) The commission shall give the complainant and either the public
2 utility, ~~mobile home park contractor, mobile home park operator~~ or party to an
3 interconnection agreement which is the subject of a complaint specified in sub. (1)
4 (a) or (c) or, for a complaint specified in sub. (1) (b), a party to an interconnection
5 agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days' notice
6 of the time and place of the hearing and the matter to be considered and determined
7 at the hearing. The complainant and either the public utility, ~~mobile home park~~
8 ~~contractor, mobile home park operator~~ or party to the interconnection agreement
9 may be heard. The commission may subpoena any witness at the request of the
10 public utility, ~~mobile home park contractor, mobile home park operator,~~ party to the
11 interconnection agreement, or complainant.

12 **SECTION 2993.** 196.28 (1) of the statutes is amended to read:

13 196.28 (1) If the commission believes that any rate or charge is unreasonable
14 or unjustly discriminatory or that any service is inadequate or cannot be obtained
15 or that an investigation of any matter relating to any public utility ~~or to any provision~~
16 ~~of water or sewer service by a mobile home park operator or mobile home park~~
17 ~~contractor~~ should for any reason be made, the commission on its own motion
18 summarily may investigate with or without notice.

19 **SECTION 2994.** 196.28 (3) of the statutes is amended to read:

20 196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be
21 given to the public utility, ~~mobile home park contractor or mobile home park~~
22 ~~operator,~~ and to such other interested persons as the commission considers
23 necessary. After the notice has been given, proceedings shall be had and conducted
24 in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a)
25 had been filed with the commission relative to the matter investigated. The same

SENATE BILL 55**SECTION 2994**

1 order or orders may be made in reference to the matter as if the investigation had
2 been made on complaint under s. 196.26.

3 **SECTION 2995.** 196.37 (1) of the statutes is amended to read:

4 196.37 (1) If, after an investigation under this chapter or ch. 197, the
5 commission finds rates, tolls, charges, schedules, or joint rates to be unjust,
6 unreasonable, insufficient, or unjustly discriminatory or preferential, or otherwise
7 unreasonable or unlawful, the commission shall determine and order reasonable
8 rates, tolls, charges, schedules, or joint rates to be imposed, observed, and followed
9 in the future and, with respect to rates, tolls, charges, schedules, or joint rates of
10 telecommunications providers, may determine and order reasonable compensation
11 for persons injured by reason of such rates, tolls, charges, schedules, or joint rates.

12 **SECTION 2996.** 196.374 (1) (b) of the statutes is repealed.

13 **SECTION 2997.** 196.374 (3) of the statutes is amended to read:

14 196.374 (3) ~~In~~ Except as provided in sub. (3m), in 2000, 2001 and 2002, the
15 commission shall require each utility to spend a decreasing portion of the amount
16 determined under sub. (2) on programs specified in sub. (2) and contribute the
17 remaining portion of the amount to the commission for deposit in the utility public
18 benefits fund. ~~In~~ Except as provided in sub. (3m), in each year after 2002, each utility
19 shall contribute the entire amount determined under sub. (2) to the commission for
20 deposit in the utility public benefits fund. The commission shall ensure in
21 rate-making orders that a utility recovers from its ratepayers the amounts spent on
22 programs or contributed to the utility public benefits fund under this subsection or
23 deposited into the farm rewiring fund under sub. (3m). The commission shall allow
24 each utility the option of continuing to use, until January 1, 2002, the moneys that
25 it has recovered under s. 196.374 (3), 1997 stats., to administer the programs that

SENATE BILL 55**SECTION 2997**

1 it has funded under s. 196.374 (1), 1997 stats. The commission may allow each utility
2 to spend additional moneys on the programs specified in sub. (2) if the utility
3 otherwise complies with the requirements of this section and s. 16.957 (4).

4 **SECTION 2998.** 196.374 (3m) of the statutes is created to read:

5 196.374 (3m) In fiscal year 2001-02, the first \$1,500,000 that is contributed
6 under sub. (3) in that fiscal year shall be deposited in the farm rewiring fund. In
7 fiscal year 2002-03, the first \$2,500,000 that is contributed under sub. (3) in that
8 fiscal year shall be deposited in the farm rewiring fund.

9 **SECTION 2999.** 196.374 (4) of the statutes is amended to read:

10 196.374 (4) If the department notifies the commission under s. 16.957 (2) (b)
11 2. that the department has reduced funding for energy conservation and efficiency
12 and renewable resource programs by an amount that is greater than the portion of
13 the public benefits fee specified in s. 16.957 (4) (c) 2., the commission shall reduce the
14 amount that utilities are required to spend on programs or contribute to the utility
15 public benefits fund under sub. (3) by the portion of the reduction that exceeds the
16 amount of public benefits fees specified in s. 16.957 (4) (c) 2.

17 **SECTION 3000.** 196.44 (1) of the statutes is renumbered 196.44 (1) (a).

18 **SECTION 3001.** 196.44 (1) (b) of the statutes is created to read:

19 196.44 (1) (b) The commission may take administrative action and institute
20 and prosecute all necessary actions or proceedings for the enforcement of all laws
21 relating to telecommunications providers and for the punishment of all violations.

22 **SECTION 3002.** 196.498 (title) of the statutes is repealed.

23 **SECTION 3003.** 196.498 (2) of the statutes is renumbered 101.937 (1) and
24 amended to read:

SENATE BILL 55**SECTION 3003**

1 101.937 (1) RULES. The ~~commission~~ department shall promulgate rules that
2 establish standards for providing water or sewer service by a ~~mobile~~ manufactured
3 home park operator or ~~mobile~~ manufactured home park contractor to a ~~mobile~~
4 manufactured home park occupant, including requirements for metering, billing,
5 deposits, depositing, arranging deferred payment arrangements, ~~installation of,~~
6 installing service, refusing or discontinuing service, and resolving disputes with
7 respect to service. Rules promulgated under this subsection shall ensure that any
8 charge for water or sewer service is reasonable and not unjustly discriminatory, that
9 the water or sewer service is reasonably adequate, and that any practice relating to
10 providing the service is just and reasonable.

11 **SECTION 3004.** 196.498 (3) of the statutes is renumbered 101.937 (2) and
12 amended to read:

13 101.937 (2) PERMANENT IMPROVEMENTS. A ~~mobile~~ manufactured home park
14 operator may make a reasonable recovery of capital costs for permanent
15 improvements related to the provision of water or sewer service to ~~mobile~~
16 manufactured home park occupants through ongoing rates for water or sewer
17 service.

18 **SECTION 3005.** 196.498 (4) of the statutes is renumbered 101.937 (3) and
19 amended to read:

20 101.937 (3) ENFORCEMENT. (a) ~~Notwithstanding s. 196.44, on~~ On its own motion
21 or upon a complaint filed by a ~~mobile~~ manufactured home park occupant, the
22 ~~commission~~ department may issue an order or commence a civil action against a
23 ~~mobile~~ manufactured home park operator or ~~mobile~~ manufactured home park
24 contractor to enforce this section, any rule promulgated under sub. (2) (1), or any
25 order issued under this paragraph.

SENATE BILL 55**SECTION 3005**

1 (b) The department of justice, after consulting with the ~~commission~~
2 department, or any district attorney may commence an action in circuit court to
3 enforce this section.

4 **SECTION 3006.** 196.498 (5) of the statutes is renumbered 101.937 (4) and
5 amended to read:

6 101.937 (4) PRIVATE CAUSE OF ACTION. Any person suffering pecuniary loss
7 because of a violation of any rule promulgated under sub. ~~(2)~~ (1) or order issued under
8 sub. ~~(4)~~ (3) (a) may sue for damages and shall recover twice the amount of any
9 pecuniary loss, together with costs, and, notwithstanding s. 814.04 (1), reasonable
10 attorney fees.

11 **SECTION 3007.** 196.498 (6) of the statutes is renumbered 101.937 (5) and
12 amended to read:

13 101.937 (5) PENALTIES. (a) Any person who violates any rule promulgated
14 under sub. ~~(2)~~ (1) or any order issued under sub. ~~(4)~~ (3) (a) shall forfeit not less than
15 \$25 nor more than \$5,000. Each violation and each day of violation constitutes a
16 separate offense.

17 (b) Any person who intentionally violates any rule promulgated under sub. ~~(2)~~
18 (1) or order issued under sub. ~~(4)~~ (3) (a) shall be fined not less than \$25 nor more than
19 \$5,000 or imprisoned not more than one year in the county jail or both. Each violation
20 and each day of violation constitutes a separate offense.

21 **SECTION 3008.** 196.499 (12) (am) of the statutes is created to read:

22 196.499 (12) (am) The commission may take administrative action and
23 institute and prosecute all necessary actions or proceedings for the enforcement of
24 all laws relating to telecommunications carriers and for the punishment of all
25 violations.

SENATE BILL 55**SECTION 3009**

1 **SECTION 3009.** 196.64 (3) of the statutes is created to read:

2 196.64 (3) This section does not apply to damages resulting from stray voltage.

3 **SECTION 3010.** 196.66 (1) of the statutes is amended to read:

4 196.66 (1) GENERAL FORFEITURE; FAILURE TO OBEY. If any public utility violates
5 this chapter or ch. 197 or fails or refuses to perform any duty enjoined upon it for
6 which a penalty has not been provided, or fails, neglects, or refuses to obey any lawful
7 requirement or order of the commission or the governing body of a municipality or
8 a sanitary commission or any judgment or decree of any court upon its application,
9 for every violation, failure, or refusal the public utility shall forfeit not less than \$25
10 nor more than \$5,000. The commission may impose a forfeiture against a
11 telecommunications provider under this section by administrative action.

12 **SECTION 3011.** 196.66 (3) (b) (intro.) of the statutes is amended to read:

13 196.66 (3) (b) (intro.) ~~A~~ The commission or a court imposing a forfeiture on a
14 public utility or telecommunications provider or an agent, director, officer, or
15 employee of a public utility or telecommunications provider under this chapter shall
16 consider all of the following in determining the amount of the forfeiture:

17 **SECTION 3012.** 196.85 (1) of the statutes is renumbered 196.85 (1) (a) and
18 amended to read:

19 196.85 (1) (a) If the commission in a proceeding upon its own motion, on
20 complaint, or upon an application to it deems it necessary in order to carry out the
21 duties imposed upon it by law to investigate the books, accounts, practices, and
22 activities of, or make appraisals of the property of any public utility, power district,
23 or sewerage system or to render any engineering or accounting services to any public
24 utility, power district, or sewerage system, the public utility, power district, or
25 sewerage system shall pay the expenses attributable to the investigation, including

SENATE BILL 55**SECTION 3012**

1 the cost of litigation, appraisal, or service. The commission shall mail a bill for the
2 expenses to the public utility, power district, or sewerage system either at the
3 conclusion of the investigation, appraisal, or services, or during its progress. The bill
4 constitutes notice of the assessment and demand of payment. The public utility,
5 power district, or sewerage system shall, within 30 days after the mailing of the bill,
6 pay to the commission the amount of the special expense for which it is billed. Ninety
7 percent of the payment shall be credited to the appropriation account under s. 20.155
8 (1) (g). The

9 (b) Except as provided in sub. (1m) (a), the total amount in any one calendar
10 year for which any public utility, power district, or sewerage system is liable under
11 this subsection, by reason of costs incurred by the commission within the calendar
12 year, including charges under s. 201.10 (3), may not exceed four-fifths of one percent
13 of its gross operating revenues derived from intrastate operations in the last
14 preceding calendar year.

15 (c) Nothing in this subsection shall prevent the commission from rendering
16 bills in one calendar year for costs incurred within a previous year.

17 (d) For the purpose of calculating the costs of investigations, appraisals, and
18 other services under this subsection, 90% of the costs determined shall be costs of the
19 commission and 10% of the costs determined shall be costs of state government
20 operations.

21 **SECTION 3013.** 196.85 (1m) (a) of the statutes is amended to read:

22 196.85 **(1m)** (a) For the purpose of direct assessment under sub. (1) of expenses
23 incurred by the commission in connection with its activities under s. 196.491, the
24 term "public utility" includes electric utilities, as defined in s. 196.491 (1) (d).

SENATE BILL 55**SECTION 3013**

1 Subsection (1) (b) does not apply to assessments for the commission's activities under
2 s. 196.491 related to the construction of wholesale merchant plants.

3 **SECTION 3014.** 196.85 (2g) of the statutes is renumbered 101.937 (6) (a) and
4 amended to read:

5 101.937 (6) (a) The ~~commission~~ department shall annually, within 90 days
6 after the commencement of each fiscal year, assess against ~~mobile~~ manufactured
7 home park operators the total amount appropriated under s. ~~20.155 (1)~~ 20.143 (3) (i).
8 The ~~commission~~ department shall assess each ~~mobile~~ manufactured home park
9 operator an amount in proportion to the total number of ~~mobile~~ manufactured homes
10 in all ~~mobile~~ manufactured home parks owned or managed by the ~~mobile~~
11 manufactured home park operator on July 1 of the current fiscal year as a fraction
12 of the total number of ~~mobile~~ manufactured homes in all ~~mobile~~ manufactured home
13 parks in this state on July 1 of the current fiscal year. If necessary, the ~~commission~~
14 department shall adjust the amount assessed to correct any incorrect assessment
15 that was made in a prior fiscal year. A ~~mobile~~ manufactured home park operator
16 shall pay the assessment within 30 days after the ~~commission~~ department mails the
17 bill to the ~~mobile~~ manufactured home park operator. The bill constitutes notice of
18 the assessment and demand for payment. Payments shall be credited to the ~~the~~
19 appropriation account under s. ~~20.155 (1)~~ 20.143 (3) (i).

20 **SECTION 3015.** 196.85 (3) of the statutes is amended to read:

21 196.85 (3) If any public utility, sewerage system, joint local water authority,
22 ~~mobile home park operator~~ or power district is billed under sub. (1), (2), or (2e) ~~or~~ (2g)
23 and fails to pay the bill within 30 days or fails to file objections to the bill with the
24 commission, as provided in this subsection, the commission shall transmit to the
25 state treasurer a certified copy of the bill, together with notice of failure to pay the

SENATE BILL 55**SECTION 3015**

1 bill, and on the same day the commission shall mail by registered mail to the public
2 utility, sewerage system, joint local water authority, ~~mobile home park operator~~ or
3 power district a copy of the notice ~~which~~ that it has transmitted to the state treasurer.
4 Within 10 days after receipt of the notice and certified copy of the bill, the state
5 treasurer shall levy the amount stated on the bill to be due, with interest, by distress
6 and sale of any property, including stocks, securities, bank accounts, evidences of
7 debt, and accounts receivable belonging to the delinquent public utility, sewerage
8 system, joint local water authority, ~~mobile home park operator~~ or power district. The
9 levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall
10 be made by the state treasurer and that goods and chattels anywhere within the state
11 may be levied upon.

12 **SECTION 3016.** 196.85 (4) (a) of the statutes is amended to read:

13 196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub.
14 (1), (2), or (2e) ~~or~~ (2g), the public utility, sewerage system, joint local water authority,
15 ~~mobile home park operator~~ or power district that has been billed may file with the
16 commission objections setting out in detail the grounds upon which the objector
17 regards the bill to be excessive, erroneous, unlawful, or invalid. The commission,
18 after notice to the objector, shall hold a hearing upon the objections, from 5 to 10 days
19 after providing the notice. If after the hearing the commission finds any part of the
20 bill to be excessive, erroneous, unlawful, or invalid, it shall record its findings upon
21 its minutes and transmit to the objector by registered mail an amended bill, in
22 accordance with the findings. The amended bill shall have the same force and effect
23 under this section as an original bill rendered under sub. (1), (2), or (2e) ~~or~~ (2g).

24 **SECTION 3017.** 196.85 (5) of the statutes is amended to read:

SENATE BILL 55**SECTION 3017**

1 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
2 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e) ~~or~~ (2g).
3 Every public utility, sewerage system, joint local water authority, ~~mobile home park~~
4 ~~operator~~ or power district that is billed shall pay the amount of the bill, and after
5 payment may in the manner provided under this section, at any time within 2 years
6 from the date the payment was made, sue the state to recover the amount paid plus
7 interest from the date of payment, upon the ground that the assessment was
8 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
9 any part of the bill for which payment was made was excessive, erroneous, unlawful,
10 or invalid, the state treasurer shall make a refund to the claimant as directed by the
11 court. The refund shall be charged to the appropriations to the commission.

12 **SECTION 3018.** 196.858 (1) of the statutes is amended to read:

13 196.858 (1) The commission shall annually assess against local exchange and
14 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
15 amounts appropriated under s. ~~20.505 (4) (is)~~ 20.530 (1) (ir).

16 **SECTION 3019.** 196.858 (2) of the statutes is amended to read:

17 196.858 (2) The commission shall assess a sum equal to the annual total
18 amount under sub. (1) to local exchange and interexchange telecommunications
19 utilities in proportion to their gross operating revenues during the last calendar year.
20 If total expenditures for telephone relay service exceeded the payment made under
21 this section in the prior year, the commission shall charge the remainder to assessed
22 telecommunications utilities in proportion to their gross operating revenues during
23 the last calendar year. A telecommunications utility shall pay the assessment within
24 30 days after the bill has been mailed to the assessed telecommunication utility. The

SENATE BILL 55**SECTION 3019**

1 bill constitutes notice of the assessment and demand of payment. Payments shall
2 be credited to the appropriation account under s. ~~20.505 (4) (is)~~ 20.530 (1) (ir).

3 **SECTION 3020.** 198.14 (4) of the statutes is amended to read:

4 198.14 (4) PURCHASES, SALES, CONVEYANCES. To lease, purchase, sell, convey and
5 mortgage the property of the district and to authorize and order all instruments,
6 contracts, deeds or mortgages to be executed on behalf of the district by the
7 chairperson of the board and the clerk of the district, except that the sale or lease of
8 any public utility equipment in excess of 10 per cent of the book value of the utility
9 property of the district shall be made as nearly as may be in accordance with s.
10 66.0817, 1999 stats., except that the commission shall have no power to determine
11 whether the interests of the district and the residents thereof will be best served by
12 the sale or lease nor to fix the price and terms thereof other than to furnish the clerk
13 of said district with its written recommendations thereon within 90 days.

14 **SECTION 3021.** 220.04 (9) (a) 2. of the statutes is amended to read:

15 220.04 (9) (a) 2. "Regulated entity" means a bank, universal bank, trust
16 company bank, and any other entity ~~which~~ that is described in s. 220.02 (2) or
17 221.0526 as under the supervision and control of the division.

18 **SECTION 3022.** 220.14 (5) of the statutes is created to read:

19 220.14 (5) Contain a statement of the total number of orders issued by the
20 division during the year under s. 222.0203 (2).

21 **SECTION 3023.** 221.0320 (2) (a) (intro.) of the statutes is amended to read:

22 221.0320 (2) (a) (intro.) A liability secured by warehouse receipts issued by
23 warehouse keepers licensed and bonded in this state under ss. 99.02 and 99.03 or
24 under the federal bonded warehouse act or holding a ~~registration certificate~~ license
25 under ~~ch. 127 s. 126.26~~, if all of the following requirements are met:

SENATE BILL 55**SECTION 3025**

1 (2) “Deposit insurance corporation” means the Federal Deposit Insurance
2 Corporation or other instrumentality of, or corporation chartered by, the United
3 States that insures deposits of financial institutions and that is supported by the full
4 faith and credit of the U.S. government as stated in a congressional resolution.

5 (3) “Division” means the division of banking.

6 (4) “Financial institution” means a state savings bank organized under ch. 214,
7 state savings and loan association organized under ch. 215, or state bank chartered
8 under ch. 221.

9 (5) “Universal bank” means a financial institution that has been issued a
10 certificate of authority under s. 222.0205.

11 (6) “Well-capitalized” has the meaning given in 12 USC 1831o (b) (1) (A).

12 **222.0103 Applicability. (1) SAVINGS BANKS.** A universal bank that is a savings
13 bank organized under ch. 214 remains subject to all of the requirements, duties, and
14 liabilities, and may exercise all of the powers, of a savings bank, except that, in the
15 event of a conflict between this chapter and those requirements, duties, liabilities,
16 or powers, this chapter shall control.

17 (2) **SAVINGS AND LOAN ASSOCIATIONS.** A universal bank that is a savings and loan
18 association organized under ch. 215 remains subject to all of the requirements,
19 duties, and liabilities, and may exercise all of the powers, of a savings and loan
20 association, except that, in the event of a conflict between this chapter and those
21 requirements, duties, liabilities, or powers, this chapter shall control.

22 (3) **BANKS.** A universal bank that is a bank chartered under ch. 221 remains
23 subject to all of the requirements, duties, and liabilities, and may exercise all of the
24 powers, of a bank, except that, in the event of a conflict between this chapter and
25 these requirements, duties, liabilities, or powers, this chapter shall control.

SENATE BILL 55**SECTION 3025**

1 **222.0203 Eligibility. (1) REQUIREMENTS.** The division may approve an
2 application from a financial institution for certification as a universal bank only if
3 all of the following requirements are met:

4 (a) The financial institution is chartered or organized, and regulated, under ch.
5 214, 215, or 221 and has been in existence and continuous operation for a minimum
6 of 3 years before the date of the application.

7 (b) The financial institution is well-capitalized.

8 (c) The financial institution does not exhibit a combination of financial,
9 managerial, operational, and compliance weaknesses that is moderately severe or
10 unsatisfactory, as determined by the division based upon the division's assessment
11 of the financial institution's capital adequacy, asset quality, management capability,
12 earnings quantity and quality, adequacy of liquidity, and sensitivity to market risk.

13 (d) During the 12-month period before the date of the application, the financial
14 institution has not been the subject of an enforcement action, and there is no
15 enforcement action pending against the financial institution by any state or federal
16 financial institution regulatory agency, including the division.

17 (e) The most current evaluation prepared under 12 USC 2906 that the financial
18 institution has received rates the financial institution as "outstanding" or
19 "satisfactory" in helping to meet the credit needs of its entire community, including
20 low-income and moderate-income neighborhoods, consistent with the safe and
21 sound operation of the financial institution.

22 (f) If the financial institution has received from its federal functional regulator,
23 as defined in 15 USC 6809 (2), a consumer compliance examination that contains
24 information regarding the financial institution's compliance with 15 USC 6801 to
25 6803 and any applicable regulations prescribed under 15 USC 6804, the most recent

SENATE BILL 55**SECTION 3025**

1 such examination indicates, in the opinion of the division, that the financial
2 institution is in substantial compliance with those statutes or regulations.

3 **(2) FAILURE TO MAINTAIN ELIGIBILITY; LIMITATION OF AUTHORITY AND**
4 **DECERTIFICATION.** For any period during which a universal bank fails to meet the
5 requirements under sub. (1), the division shall by order limit or restrict the exercise
6 of the powers of the universal bank under this chapter. In addition to or lieu of
7 limiting or restricting the universal bank's authority under this subsection, the
8 division may by order revoke the universal bank's certificate of authority issued
9 under s. 222.0205.

10 **222.0205 Certificate of authority.** Upon approval of an application for
11 certification as a universal bank, the division shall issue to the applicant a certificate
12 of authority stating that the financial institution is certified as a universal bank
13 under this chapter.

14 **222.0207 Voluntary termination of certification.** A financial institution
15 that is certified as a universal bank under this chapter may elect to terminate its
16 certification by giving 60 days' prior written notice of the termination to the division.
17 A termination under this section is effective only with the written approval of the
18 division. A financial institution shall, as a condition to a termination under this
19 section, terminate its exercise of all powers granted under this chapter before the
20 termination of the certification. The division's written approval of a financial
21 institution's termination under this section is void if the financial institution fails to
22 satisfy the precondition to termination under this section.

23

SUBCHAPTER III

24

ORGANIZATION

SENATE BILL 55**SECTION 3025**

1 **222.0301 Articles of incorporation and bylaws.** A universal bank shall
2 continue to operate under its articles of incorporation and bylaws as in effect prior
3 to certification as a universal bank or as such articles or bylaws may be subsequently
4 amended in accordance with the provisions of the chapter under which the universal
5 bank was organized or chartered.

6 **222.0303 Name. (1) USE OF "BANK."** Notwithstanding ss. 214.035, 215.40 (1),
7 and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank may use the word
8 "bank" in its name, without having to include the word "savings." Notwithstanding
9 ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank that
10 is organized under ch. 215 and that uses the word "bank" in its name in accordance
11 with this section need not include the words "savings and loan association" or
12 "savings association" in its name.

13 **(2) DISTINGUISHABILITY.** Except as provided in sub. (3), the name of the
14 universal bank shall be distinguishable upon the records of the division from all of
15 the following names:

16 (a) The name of every other financial institution organized under the laws of
17 this state.

18 (b) The name of every national bank or foreign bank authorized to transact
19 business in this state.

20 **(3) EXCEPTIONS.** (a) A universal bank may apply to the division for authority
21 to use a name that does not meet the requirements under sub. (2). The division may
22 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)
23 is met.

SENATE BILL 55**SECTION 3025**

1 (b) A universal bank may use a name that is used in this state by another
2 financial institution or by an institution authorized to transact business in this state,
3 if the universal bank has done any of the following:

4 1. Merged with the other institution.

5 2. Been formed by reorganization of the other institution.

6 3. Acquired all or substantially all of the assets, including the name, of the
7 other institution.

8 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding
9 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the
10 minimum capital requirements of universal banks.

11 **(2) CERTAIN ASSET REQUIREMENTS.** Section 214.045 does not apply to universal
12 banks.

13 **222.0307 Acquisitions, mergers, and asset purchases. (1) IN GENERAL.**
14 A universal bank may, with the approval of the division, purchase the assets of,
15 merge with, acquire, or be acquired by any other financial institution, universal
16 bank, national bank, federally chartered savings bank, or savings and loan
17 association, or by a holding company of any of these entities. Notwithstanding subch.
18 III of ch. 214 and ss. 214.09 and 215.36, the approval of the division of savings and
19 loan is not required.

20 **(2) APPLICATIONS FOR APPROVAL.** An application for approval under sub. (1) shall
21 be submitted on a form prescribed by the division and accompanied by a fee
22 determined by the division. In processing and acting on applications under this
23 section the division shall apply the following standards:

24 (a) For universal banks organized under ch. 214, ss. 214.09, 214.62 to 214.64,
25 and 214.665, and subch. III of ch. 214.

SENATE BILL 55**SECTION 3025**

1 (b) For universal banks organized under ch. 215, ss. 215.35, 215.36, 215.53, and
2 215.73.

3 (c) For universal banks chartered under ch. 221, subchs. VII and IX of ch. 221.

4 **SUBCHAPTER IV**

5 **POWERS**

6 **222.0401 Federal financial institution powers. (1) IN GENERAL. (a)**

7 *Powers exercised by universal bank.* A universal bank, with the approval of the
8 division, may exercise any power that may be directly exercised by a federally
9 chartered savings bank, a federally chartered savings and loan association, or a
10 federally chartered national bank.

11 (b) *Powers exercised by subsidiary of universal bank.* A universal bank,
12 through a subsidiary and with the approval of the division, may exercise any power
13 that a federally chartered savings bank, a federally chartered savings and loan
14 association, or a federally chartered national bank may exercise through a
15 subsidiary.

16 **(2) APPROVAL REQUIRED FOR EXERCISE OF FEDERAL POWER.** A universal bank shall
17 file with the division a written request to exercise a power under sub. (1). The
18 division shall determine whether the requested power is permitted under sub. (1).
19 Within 60 days after receiving a request under this subsection, the division shall
20 approve the request, if the power is permitted under sub. (1), or shall disapprove the
21 request if the power is not permitted under sub. (1). The division and the universal
22 bank may mutually agree to extend this 60-day period for an additional period of 60
23 days.

24 **(3) EXERCISE OF FEDERAL POWERS THROUGH A SUBSIDIARY.** The division may
25 require that certain powers exercisable by a universal bank under sub. (1) (a) be

SENATE BILL 55**SECTION 3025**

1 exercised through a subsidiary of the universal bank with appropriate safeguards to
2 limit the risk exposure of the universal bank.

3 **222.0403 Loan powers. (1) PERMITTED PURPOSES.** A universal bank may
4 make, sell, purchase, arrange, participate in, invest in, or otherwise deal in loans or
5 extensions of credit for any purpose.

6 **(2) IN GENERAL.** Except as provided in subs. (3) to (8), the total liabilities of any
7 person, other than a municipal corporation, to a universal bank for a loan or
8 extension of credit may not exceed 20% of the capital of the universal bank at any
9 time. In determining compliance with this section, liabilities of a partnership
10 include the liabilities of the general partners, computed individually as to each
11 general partner on the basis of his or her direct liability.

12 **(3) CERTAIN SECURED LIABILITIES.** The percentage limitation under sub. (2) is
13 50% of the universal bank's capital, if the liabilities under sub. (2) are limited to the
14 following types of liabilities:

15 (a) *Warehouse receipts.* A liability secured by warehouse receipts issued by
16 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and
17 99.03 or under the federal Bonded Warehouse Act or who hold a registration
18 certificate under ch. 127, if all of the following requirements are met:

- 19 1. The receipts cover readily marketable nonperishable staples.
- 20 2. The staples are insured, if it is customary to insure the staples.
- 21 3. The market value of the staples is not, at any time, less than 140% of the face
22 amount of the obligation.

23 (b) *Certain bonds or notes.* A liability in the form of a note or bond that meets
24 any of the following qualifications:

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1 1. The note or bond is secured by not less than a like amount of bonds or notes
2 of the United States issued since April 24, 1917, or certificates of indebtedness of the
3 United States.

4 2. The note or bond is secured or covered by guarantees or by commitments or
5 agreements to take over, or to purchase, the bonds or notes, and the guarantee,
6 commitment, or agreement is made by a federal reserve bank, the federal small
7 business administration, the federal department of defense, or the federal maritime
8 commission.

9 3. The note or bond is secured by mortgages or trust deeds insured by the
10 federal housing administration.

11 **(4) OBLIGATIONS OF LOCAL GOVERNMENTAL UNITS.** (a) *Definition.* In this
12 subsection, "local governmental unit" has the meaning given in s. 22.01 (7).

13 (b) *General limitation.* Except as otherwise provided in this subsection, the
14 total liabilities of a local governmental unit to a universal bank for money borrowed
15 may not, at any time, exceed 25% of the capital of the universal bank.

16 (c) *Revenue obligations.* Liabilities in the form of revenue obligations of a local
17 governmental unit are subject to the limitations provided in par. (b). In addition, a
18 universal bank is permitted to invest in a general obligation of that local
19 governmental unit in an amount that will bring the combined total of the general
20 obligations and revenue obligations of a single local governmental unit to a sum not
21 in excess of 50% of the capital of the universal bank.

22 (d) *General obligations.* If the liabilities of the local governmental unit are in
23 the form of bonds, notes, or other evidences of indebtedness that are a general
24 obligation of a local governmental unit, the total liability of the local governmental
25 unit may not exceed 50% of the capital of the universal bank.

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1 (e) *Temporary borrowings.* The total amount of temporary borrowings of any
2 local governmental unit maturing within one year after the date of issue may not
3 exceed 60% of the capital of the universal bank. Temporary borrowings and
4 longer-term general obligation borrowings of a single local governmental unit may
5 be considered separately in determining compliance with this subsection.

6 **(5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.**

7 A universal bank may purchase bonds offered for sale by the International Bank for
8 Reconstruction and Development and the Inter-American Development Bank or
9 any other foreign bonds approved under rules established by the division. The
10 aggregate investment in any of these bonds issued by a single issuer may not exceed
11 10% of the capital of the universal bank.

12 **(6) FOREIGN NATIONAL GOVERNMENT BONDS.** A universal bank may purchase

13 general obligation bonds issued by any foreign national government if the bonds are
14 payable in United States funds. The aggregate investment in these foreign bonds
15 may not exceed 3% of the capital of the universal bank, except that this limitation
16 does not apply to bonds of the Canadian government and Canadian provinces that
17 are payable in United States funds.

18 **(7) LIMITS ESTABLISHED BY BOARD.** (a) *When financial statements required.* A

19 universal bank may not make or renew a loan or loans, the aggregate total of which
20 exceeds the level established by the board of directors without being supported by a
21 signed financial statement of the borrower, unless the loan is secured by collateral
22 having a value in excess of the amount of the loan. A signed financial statement
23 furnished by the borrower to a universal bank in compliance with this paragraph
24 must be renewed annually as long as the loan or any renewal of the loan remains
25 unpaid and is subject to this paragraph.

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1 (b) *Treatment of loans complying with limits.* A loan or a renewal of a loan made
2 by a universal bank in compliance with par. (a), without a signed financial statement,
3 may be treated by the universal bank as entirely independent of any secured loan
4 made to the same borrower if the loan does not exceed the applicable limitations
5 provided in this section.

6 **(8) EXCEPTIONS.** This section does not apply to any of the following:

7 (a) *Liabilities secured by certain short-term federal obligations.* A liability that
8 is secured by not less than a like amount of direct obligations of the United States
9 which will mature not more than 18 months after the date on which such liabilities
10 to the universal bank are entered into.

11 (b) *Certain federal and state obligations or guaranteed obligations.* A liability
12 that is a direct obligation of the United States or this state, or an obligation of any
13 governmental agency of the United States or this state, that is fully and
14 unconditionally guaranteed by the United States or this state.

15 (c) *Commodity Credit Corporation liabilities.* A liability in the form of a note,
16 debenture, or certificate of interest of the Commodity Credit Corporation.

17 (d) *Discounting bills of exchange or business or commercial paper.* A liability
18 created by the discounting of bills of exchange drawn in good faith against actually
19 existing values or the discounting of commercial or business paper actually owned
20 by the person negotiating the same.

21 (e) *Certain other federal or federally guaranteed obligations.* Obligations of, or
22 obligations that are fully guaranteed by, the United States and obligations of any
23 federal reserve bank, federal home loan bank, the Student Loan Marketing
24 Association, the Government National Mortgage Association, the Federal National

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1 Mortgage Association, the Federal Home Loan Mortgage Corporation, the
2 Export-Import Bank of Washington, or the Federal Deposit Insurance Corporation.

3 (9) ADDITIONAL AUTHORITY. (a) *In general.* In addition to the authority
4 granted under subs. (1) to (8), and except as provided in par. (b), a universal bank may
5 lend under this subsection, through the universal bank or subsidiary of the universal
6 bank, to all borrowers from the universal bank and all of its subsidiaries, an
7 aggregate amount not to exceed 20% of the universal bank's capital. Neither a
8 universal bank nor any subsidiary of the universal bank may lend to any borrower,
9 under this subsection and any other law or rule, an amount that would result in an
10 aggregate amount for all loans to that borrower that exceeds 20% of the universal
11 bank's capital. A universal bank or its subsidiary may take an equity position or
12 other form of interest as security in a project funded through loans made under this
13 paragraph. Every transaction by a universal bank or its subsidiary under this
14 paragraph requires prior approval by the governing board of the universal bank or
15 its subsidiary, respectively. Loans made under this paragraph are not subject to s.
16 221.0326 or to classification as losses, for a period of 2 years from the date of each loan
17 except as provided in par. (b).

18 (b) *Suspension of additional authority.* The division may suspend authority
19 established under par. (a) and, in such case, may specify how an outstanding loan
20 shall be treated by the universal bank or its subsidiary. Among the factors that the
21 division may consider in suspending authority under par. (a) are the universal bank's
22 capital adequacy, asset quality, earnings quantity, earnings quality, adequacy of
23 liquidity, and sensitivity to market risk and the ability of the universal bank's
24 management.

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1 **(10) EXERCISE OF LOAN POWERS; PROHIBITED CONSIDERATIONS.** In determining
2 whether to make a loan or extension of credit, no universal bank may consider any
3 health information obtained from the records of an affiliate of the universal bank
4 that is engaged in the business of insurance, unless the person to whom the health
5 information relates consents.

6 **222.0405 Investment powers. (1) INVESTMENT SECURITIES.** Except as
7 provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite, and hold
8 investment securities, consistent with safe and sound banking practices, up to 100%
9 of the universal bank's capital. A universal bank may not invest greater than 20%
10 of the universal bank's capital in the investment securities of one obligor or issuer.
11 In this subsection, "investment securities" includes commercial paper, banker's
12 acceptances, marketable securities in the form of bonds, notes, debentures, and
13 similar instruments that are regarded as investment securities.

14 **(2) EQUITY SECURITIES.** Except as provided in subs. (3) to (8), a universal bank
15 may purchase, sell, underwrite, and hold equity securities, consistent with safe and
16 sound banking practices, up to 20% of capital or, if approved by the division in
17 writing, a greater percentage of capital.

18 **(3) HOUSING ACTIVITIES.** With the prior written consent of the division, a
19 universal bank may invest in the initial purchase and development, or the purchase
20 or commitment to purchase after completion, of home sites and housing for sale or
21 rental, including projects for the reconstruction, rehabilitation, or rebuilding of
22 residential properties to meet the minimum standards of health and occupancy
23 prescribed for a local governmental unit, the provision of accommodations for retail
24 stores, shops, and other community services that are reasonably incident to that
25 housing, or in the stock of a corporation that owns one or more of those projects and

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1 that is wholly owned by one or more financial institutions. The total investment in
2 any one project may not exceed 15% of the universal bank's capital, nor may the
3 aggregate investment under this subsection exceed 50% of capital. A universal bank
4 may not make an investment under this subsection unless it is in compliance with
5 the capital requirements set by the division under s. 222.0305 (1) and with the capital
6 maintenance requirements of its deposit insurance corporation.

7 (4) PROFIT-PARTICIPATION PROJECTS. A universal bank may take equity positions
8 in profit-participation projects, including projects funded through loans from the
9 universal bank, in an aggregate amount not to exceed 20% of capital. The division
10 may suspend the investment authority under this subsection. If the division
11 suspends the investment authority under this subsection, the division may specify
12 how outstanding investments under this subsection shall be treated by the universal
13 bank or its subsidiary. Among the factors that the division may consider in
14 suspending authority under this subsection are the universal bank's capital
15 adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity,
16 and sensitivity to market risk and the ability of the universal bank's management.
17 This subsection does not authorize a universal bank, directly or indirectly through
18 a subsidiary, to engage in the business of underwriting insurance.

19 (5) DEBT INVESTMENTS. A universal bank may invest in bonds, notes,
20 obligations, and liabilities described under s. 222.0403 (3) to (7), subject to the
21 limitations under those subsections.

22 (6) CERTAIN LIABILITIES. This section does not limit investment in the
23 liabilities described in s. 222.0403 (8).

24 (7) CERTAIN INVESTMENTS. A universal bank may invest without limitation in
25 any of the following:

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1 (a) *Business development corporations.* Stocks or obligations of a corporation
2 organized for business development by this state or by the United States or by an
3 agency of this state or the United States.

4 (b) *Urban renewal investment corporations.* Obligations of an urban renewal
5 investment corporation organized under the laws of this state or of the United States.

6 (c) *Certain bank insurance companies.* An equity interest in an insurance
7 company or an insurance holding company organized to provide insurance for
8 universal banks and for persons affiliated with universal banks, solely to the extent
9 that this ownership is a prerequisite to obtaining directors' and officers' insurance
10 or blanket bond insurance for the universal bank through the company.

11 (d) *Certain remote service unit corporations.* Shares of stock, whether
12 purchased or otherwise acquired, in a corporation acquiring, placing, and operating
13 remote service units under s. 214.04 (21) or 215.13 (46) or bank communications
14 terminals under s. 221.0303 (2).

15 (e) *Service corporations.* Equity or debt securities or instruments of a service
16 corporation subsidiary of the universal bank.

17 (f) *Federal funds.* Advances of federal funds.

18 (g) *Certain risk management financial products.* With the prior written
19 approval of the division, financial futures transactions, financial options
20 transactions, forward commitments, or other financial products for the purpose of
21 reducing, hedging, or otherwise managing its interest rate risk exposure.

22 (h) *Certain fiduciaries.* A subsidiary organized to exercise corporate fiduciary
23 powers under ch. 112.

24 (i) *Agricultural credit corporations.* An agricultural credit corporation. Unless
25 a universal bank owns at least 80% of the stock of the agricultural credit corporation,

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1 a universal bank may not invest more than 20% of the universal bank's capital in the
2 agricultural credit corporation.

3 (j) *Deposit accounts and insured obligations.* Deposit accounts or insured
4 obligations of any financial institution, the accounts of which are insured by a deposit
5 insurance corporation.

6 (k) *Certain federal obligations.* Obligations of, or obligations that are fully
7 guaranteed by, the United States and stocks or obligations of any federal reserve
8 bank, federal home loan bank, the Student Loan Marketing Association, the
9 Government National Mortgage Association, the Federal National Mortgage
10 Association, the Federal Home Loan Mortgage Corporation, or the Federal Deposit
11 Insurance Corporation.

12 (L) *Other investments.* Any other investment authorized by the division.

13 (8) INVESTMENTS IN OTHER FINANCIAL INSTITUTIONS. In addition to the authority
14 granted under ss. 222.0307 and 222.0409, and subject to the limitations of sub. (2),
15 a universal bank may invest in other financial institutions.

16 (9) INVESTMENTS THROUGH SUBSIDIARIES. A universal bank may make
17 investments under this section, directly or indirectly through a subsidiary, unless
18 the division determines that an investment shall be made through a subsidiary with
19 appropriate safeguards to limit the risk exposure of the universal bank.

20 **222.0407 Universal bank purchase of its own stock.** (1) IN GENERAL. A
21 universal bank may hold or purchase not more than 10% of its capital stock, notes,
22 or debentures, except as provided in sub. (2) or (3).

23 (2) DIVISION APPROVAL. A universal bank may hold or purchase more than 10%
24 of its capital stock, notes, or debentures, if approved by the division.

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1 **(3) ADDITIONAL AUTHORITY.** A universal bank may hold or purchase more than
2 10% of its capital stock, notes, or debentures if the purchase is necessary to prevent
3 loss upon a debt previously contracted in good faith. Stock, notes, or debentures held
4 or purchased under this subsection may not be held by the universal bank for more
5 than 6 months if the stock, notes, or debentures can be sold for the amount of the
6 claim of the universal bank against the holder of the debt previously contracted. The
7 universal bank shall either sell the stock, notes, or debentures within 12 months of
8 acquisition under this subsection or shall cancel the stock, notes, or debentures.
9 Cancellation of the stock, notes, or debentures reduces the amount of the universal
10 bank's capital stock, notes, or debentures. If the reduction reduces the universal
11 bank's capital below the minimum level required by the division, the universal bank
12 shall increase its capital to the amount required by the division.

13 **(4) LOANS SECURED BY CAPITAL, SURPLUS, OR DEPOSITS.** A universal bank may not
14 loan any part of its capital, surplus, or deposits on its own capital stock, notes, or
15 debentures as collateral security, except that a universal bank may make a loan
16 secured by its own capital stock, notes, or debentures to the same extent that the
17 universal bank may make a loan secured by the capital stock, notes, and debentures
18 of a holding company for the universal bank.

19 **222.0409 Stock in bank-owned banks.** With the approval of the division,
20 a universal bank may acquire and hold stock in one or more banks chartered under
21 s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more
22 holding companies wholly owning such a bank. Aggregate investments under this
23 section may not exceed 10% of the universal bank's capital.

24 **222.0411 General deposit powers. (1) IN GENERAL.** A universal bank may
25 set eligibility requirements for, and establish the types and terms of, deposits that

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1 the universal bank solicits and accepts. The terms set under this subsection may
2 include minimum and maximum amounts that the universal bank may accept and
3 the frequency and computation method of paying interest.

4 (2) PLEDGE OF SECURITY FOR DEPOSITS. Subject to the limitations of s. 221.0324
5 that are applicable to banks, a universal bank may pledge its assets as security for
6 deposits.

7 (3) SECURITIZATION OF ASSETS. With the approval of the division, a universal
8 bank may securitize its assets for sale to the public. The division may establish
9 procedures governing the exercise of authority granted under this subsection.

10 (4) SAFE DEPOSIT POWERS. A universal bank may take and receive, from any
11 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,
12 money, stocks, securities, and other valuables or personal property, and may rent out
13 the use of safes or other receptacles upon its premises for such compensation as may
14 be agreed upon. A universal bank has a lien for its charges on any property taken
15 or received by it for safekeeping. If the lien is not paid within 2 years from the date
16 the lien accrues, or if property is not called for by the person depositing the property,
17 or by his or her representative or assignee, within 2 years from the date the lien
18 accrues, the universal bank may sell the property at public auction. A universal bank
19 shall provide the same notice for a sale under this subsection that is required by law
20 for sales of personal property on execution. After retaining from the proceeds of the
21 sale all of the liens and charges due the bank and the reasonable expenses of the sale,
22 the universal bank shall pay the balance to the person depositing the property, or to
23 his or her representative or assignee.

24 **222.0413 Necessary or convenient powers, reasonably related or**
25 **incidental activities, and other approved activities. (1) NECESSARY OR**

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1 CONVENIENT POWERS. Unless otherwise prohibited or limited by this chapter, a
2 universal bank may exercise all powers necessary or convenient to effect the
3 purposes for which the universal bank is organized or to further the businesses in
4 which the universal bank is lawfully engaged.

5 (2) REASONABLY RELATED AND INCIDENTAL ACTIVITIES. (a) Subject to any
6 applicable state or federal regulatory or licensing requirements, a universal bank
7 may engage, directly or indirectly through a subsidiary, in activities reasonably
8 related or incident to the purposes of the universal bank. Activities reasonably
9 related or incident to the purposes of the universal bank are those activities that are
10 part of the business of financial institutions, or closely related to the business of
11 financial institutions, or convenient and useful to the business of financial
12 institutions, or reasonably related or incident to the operation of financial
13 institutions, or financial in nature. Activities that are reasonably related or incident
14 to the purposes of a universal bank include the following:

- 15 1. Business and professional services.
- 16 2. Data processing.
- 17 3. Courier and messenger services.
- 18 4. Credit-related activities.
- 19 5. Consumer services.
- 20 6. Real estate-related services, including real estate brokerage services.
- 21 7. Insurance and related services, other than insurance underwriting.
- 22 8. Securities brokerage.
- 23 9. Investment advice.
- 24 10. Securities and bond underwriting.
- 25 11. Mutual fund activities.

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- 1 12. Financial consulting.
- 2 13. Tax planning and preparation.
- 3 14. Community development and charitable activities.
- 4 15. Debt cancellation contracts.
- 5 16. Any activities that are reasonably related or incident to activities under
- 6 subds. 1. to 15., as determined by rule of the division under par. (b).

7 (b) An activity that is authorized by statute or regulation for financial

8 institutions to engage in as of the effective date of this paragraph [revisor inserts

9 date], is an activity that is reasonably related to or incident to the purposes of a

10 universal bank. An activity permitted under the Bank Holding Company Act is an

11 activity that is reasonably related to or incident to the purposes of a universal bank.

12 The division may, by rule, expand the list of activities under par. (a) 1. to 15. that are

13 reasonably related or incident to the purposes of a universal bank and, by rule, may

14 establish which activities under par. (a) 16. are reasonably related or incident to the

15 activities under par. (a) 1. to 15. Any activity approved by rule of the division under

16 this paragraph shall be authorized for all universal banks.

17 **(3) NOTICE REQUIREMENT.** A universal bank shall give 60 days' prior written

18 notice to the division of the universal bank's intention to engage in an activity under

19 this section.

20 **(4) STANDARDS FOR DENIAL.** The division may deny the authority of a universal

21 bank to engage in an activity under this section, other than those activities described

22 in sub. (2) (a) 1. to 15., if the division determines that the activity is not an activity

23 reasonably related or incident to the purposes of a universal bank. The division may

24 deny the authority of a universal bank to engage in an activity under this section if

25 the division determines that the universal bank is not well-capitalized, that the

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1 universal bank is the subject of an enforcement action, or that the universal bank
2 does not have satisfactory management expertise for the proposed activity.

3 (5) INSURANCE INTERMEDIATION. A universal bank, or an officer or salaried
4 employee of a universal bank, may obtain a license as an insurance intermediary, if
5 otherwise qualified. A universal bank may not, directly or indirectly through a
6 subsidiary, engage in the business of underwriting insurance.

7 (6) OTHER ACTIVITIES APPROVED BY THE DIVISION. A universal bank may engage
8 in any other activity that is approved by rule of the division.

9 (7) ACTIVITIES PROVIDED THROUGH A SUBSIDIARY. A universal bank may engage
10 in an activity under this section, directly or indirectly through a subsidiary, unless
11 the division determines that the activity must be conducted through a subsidiary
12 with appropriate safeguards to limit the risk exposure of the universal bank.

13 (8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES. The amount of the
14 investment in any one subsidiary that engages in an activity under this section may
15 not exceed 20% of capital or, if approved by the division, a higher percentage
16 authorized by the division. The aggregate investment in all subsidiaries that engage
17 in an activity under this subsection may not exceed 50% of capital or, if approved by
18 the division, a higher percentage authorized by the division.

19 (9) OWNERSHIP OF SUBSIDIARIES. A subsidiary that engages in an activity under
20 this section may be owned jointly, with one or more other financial institutions,
21 individuals, or entities.

22 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may
23 exercise trust powers in accordance with s. 221.0316.

24 **SECTION 3026.** 222.0403 (3) (a) (intro.) of the statutes, as created by 2001
25 Wisconsin Act (this act), is amended to read:

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1 222.0403 (3) (a) (intro.) A liability secured by warehouse receipts issued by
2 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and
3 99.03 or under the federal Bonded Warehouse Act or who hold a registration
4 certificate under ch. 127 are licensed under s. 126.26 (1), if all of the following
5 requirements are met:

6 **SECTION 3027.** 224.02 of the statutes is amended to read:

7 **224.02 Banking, defined.** The soliciting, receiving, or accepting of money or
8 its equivalent on deposit as a regular business by any person, partnership,
9 association, or corporation, shall be deemed to be doing a banking business, whether
10 such deposit is made subject to check or is evidenced by a certificate of deposit, a
11 passbook, a note, a receipt, or other writing, provided that nothing herein shall apply
12 to or include money left with an agent, pending investment in real estate or securities
13 for or on account of the agent's principal. ~~Provided, however, that if money so left with~~
14 ~~an agent for investment shall not be kept in a separate trust fund or if the agent~~
15 ~~receiving such money shall mingle same with the agent's own property, whether with~~
16 ~~or without the consent of the principal, or shall make an agreement to pay any certain~~
17 ~~rate of interest thereon or any agreement to pay interest thereon other than an~~
18 ~~agreement to account for the actual income which may be derived from such money~~
19 ~~while held pending investment, the person receiving such money shall be deemed to~~
20 ~~be in the banking business.~~

21 **SECTION 3028.** 224.30 (2) of the statutes is repealed.

22 **SECTION 3029.** 224.71 (3) (b) 7. of the statutes is created to read:

23 224.71 (3) (b) 7. The department of veterans affairs when administering the
24 veteran's housing loan program under subch. II of ch. 45.

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1 **SECTION 3030.** 227.01 (1) of the statutes, as affected by 1999 Wisconsin Act 9,
2 section 2353n, is repealed and recreated to read:

3 227.01 (1) "Agency" means a board, commission, committee, department or
4 officer in the state government, except the governor, a district attorney or a military
5 or judicial officer.

6 **SECTION 3031.** 227.01 (13) (zc) of the statutes is amended to read:

7 227.01 (13) (zc) Establishes ~~an inventory or a hazard ranking a list or database~~
8 under s. 292.31.

9 **SECTION 3032.** 227.117 of the statutes is created to read:

10 **227.117 Review of rules impacting energy policies.** (1) The public service
11 commission may conduct an energy assessment of any proposed rule submitted to the
12 legislative council staff for review under s. 227.15 (1). The energy assessment shall
13 evaluate the potential impact of the proposed rule on the energy policies of the state
14 related to electricity generation, transmission, or distribution or to fuels used in
15 generating electricity. If, after making such an assessment, the public service
16 commission concludes that the proposed rule may have a significant impact on those
17 policies, the public service commission may prepare an energy impact statement. An
18 energy impact statement prepared under this subsection shall evaluate the probable
19 impacts of the proposed rule on the state's energy policies and describe appropriate
20 alternatives to the proposed rule that will reduce any negative impacts on those
21 policies.

22 (2) The public service commission shall submit a copy of any energy impact
23 statement prepared under sub. (1) to the legislative council staff and to the agency
24 that proposed the rule that resulted in the statement.

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1 **(3)** An agency that receives an energy impact statement under sub. (2), shall
2 consider the energy impact statement before submitting the notification and report
3 to the legislature under s. 227.19 (2) and (3).

4 **SECTION 3033.** 227.19 (3) (intro.) of the statutes is amended to read:

5 227.19 **(3)** FORM OF REPORT. (intro.) The report required under sub. (2) shall be
6 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),
7 the material specified in s. 227.14 (2) to (4), a copy of any energy impact statement
8 received from the public service commission under s. 227.117 (2), a copy of any
9 recommendations of the legislative council staff and an analysis. The analysis shall
10 include:

11 **SECTION 3034.** 227.19 (3) (f) of the statutes is created to read:

12 227.19 **(3)** (f) If an energy impact statement regarding the proposed rule was
13 submitted with the report, an explanation of what changes, if any, that were made
14 in the proposed rule in response to that statement.

15 **SECTION 3035.** 227.245 of the statutes is created to read:

16 **227.245 Permanent rules; exemptions. (1)** PROMULGATION OF UNIVERSAL
17 BANKING RULES. Except as provided in subs. (2) and (3), the division of banking may
18 promulgate a rule under s. 222.0413 (2) (b) without complying with the notice,
19 hearing, and publication procedures under this chapter.

20 **(2)** FILING AND PUBLICATION. The division of banking shall file a rule described
21 under sub. (1) as provided in s. 227.20. At the time that the rule is filed, the division
22 of banking shall mail a copy of the rule to the chief clerk of each house and to each
23 member of the legislature, shall publish in the official state newspaper a class 1
24 notice under ch. 985 containing a copy of the rule, and shall take any other step it
25 considers feasible to make the rule known to persons who will be affected by the rule.

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1 **(3) EFFECTIVE DATE.** A rule described under sub. (1) takes effect as provided
2 under s. 227.22.

3 **SECTION 3036.** 228.01 of the statutes is amended to read:

4 **228.01 Recording of documents and public records by mechanical**
5 **process authorized.** Whenever any officer of any county having a population of
6 500,000 or more is required or authorized by law to file, record, copy, recopy or replace
7 any document, court order, plat, paper, written instrument, writings, record or book
8 of record, on file or of record in his or her office, notwithstanding any other provisions
9 in the statutes, the officer may do so by photostatic, photographic,
10 microphotographic, microfilm, optical imaging, electronic formatting or other
11 mechanical process which produces a clear, accurate and permanent copy or
12 reproduction of the original document, court order, plat, paper, written instrument,
13 writings, record or book of record in accordance with the applicable standards
14 specified under ss. 16.61 (7) and 16.612. Any such officer may also reproduce by such
15 processes or transfer from optical disk or electronic storage any document, court
16 order, plat, paper, written instrument, writings, record or book of record which has
17 previously been filed, recorded, copied or recopied. Optical imaging or electronic
18 formatting of any document is subject to authorization under s. 59.52 (14) (a).

19 **SECTION 3037.** 228.03 (2) of the statutes is amended to read:

20 228.03 **(2)** Any photographic reproduction of an original record meeting the
21 applicable standards prescribed in s. 16.61 (7) or copy of a record generated from an
22 original record stored in optical disk or electronic format in compliance with the
23 applicable standards under ss. 16.61 and 16.612 shall be taken as and stand in lieu
24 of and have all of the effect of the original record and shall be admissible in evidence
25 in all courts and all other tribunals or agencies, administrative or otherwise, in all

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1 cases where the original document is admissible. A transcript, exemplification or
2 certified copy of such a reproduction of an original record, or certified copy of a record
3 generated from an original record stored in optical disk or electronic format, for the
4 purposes specified in this subsection, is deemed to be a transcript, exemplification
5 or certified copy of the original. The custodian of a photographic reproduction shall
6 place the reproduction or optical disk in conveniently accessible storage and shall
7 make provision for preserving, examining and using the reproduction of the record
8 or generating a copy of the record from optical disk or electronic storage. An enlarged
9 copy of a photographic reproduction of a record made in accordance with the
10 applicable standards specified in s. 16.61 (7) or an enlarged copy of a record
11 generated from an original record stored in optical disk or electronic format in
12 compliance with the applicable standards under ss. 16.61 and 16.612 that is certified
13 by the custodian as provided in s. 889.18 (2) has the same effect as an actual-size
14 copy.

15 **SECTION 3038.** 230.03 (3) of the statutes is amended to read:

16 230.03 (3) "Agency" means any board, commission, committee, council, or
17 department in state government or a unit thereof created by the constitution or
18 statutes if such board, commission, committee, council, department, unit, or the
19 head thereof, is authorized to appoint subordinate staff by the constitution or
20 statute, except a legislative or judicial board, commission, committee, council,
21 department, or unit thereof or an authority created under ~~ch.~~ chs. 231, 232, 233, 234,
22 or ~~235~~ 237. "Agency" does not mean any local unit of government or body within one
23 or more local units of government that is created by law or by action of one or more
24 local units of government.

25 **SECTION 3039.** 230.03 (12) of the statutes is repealed.

SENATE BILL 55**SECTION 3040**

1 **SECTION 3040.** 230.04 (1m) of the statutes is amended to read:

2 230.04 (1m) The secretary may delegate, in writing, any of his or her functions
3 set forth in this chapter to an appointing authority, within prescribed standards if
4 the secretary finds that the agency has personnel management capabilities to
5 perform such functions effectively ~~and has indicated its approval and willingness to~~
6 ~~accept such responsibility by written agreement.~~ If the secretary determines that
7 any agency is not performing such delegated function within prescribed standards,
8 the secretary shall forthwith withdraw such delegated function. Subject to the
9 approval of the joint committee on finance, the secretary may order transferred to
10 the department from the agency to which delegation was made such agency staff and
11 other resources as necessary to perform such functions if increased staff was
12 authorized to that agency as a consequence of such delegation or if the department
13 reduced staff or shifted staff to new responsibilities as a result of such delegation.
14 Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an
15 appointing authority may be appealed to the personnel commission under s. 230.44
16 (1) (b). The secretary shall be a party in such an appeal.

17 **SECTION 3041.** 230.04 (9) (e) of the statutes is amended to read:

18 230.04 (9) (e) ~~Annually~~ Biennially, beginning in 2001, prepare and submit to
19 the governor and the legislature a summary of existing agency affirmative action
20 program accomplishments, including the information obtained from agencies under
21 sub. (10) (b), future goals and recommended actions.

22 **SECTION 3042.** 230.04 (9) (em) of the statutes is amended to read:

23 230.04 (9) (em) ~~Annually~~ Biennially, beginning in 2001, prepare and submit
24 to the governor and the legislature a summary of the progress being made to provide

SENATE BILL 55**SECTION 3042**

1 employment opportunities in civil service for veterans under this chapter, including
2 the information obtained from agencies under sub. (10) (c).

3 **SECTION 3043.** 230.04 (9m) of the statutes is repealed.

4 **SECTION 3044.** 230.04 (9r) of the statutes is repealed.

5 **SECTION 3045.** 230.04 (13) (e) (intro.) of the statutes is amended to read:

6 230.04 (13) (e) (intro.) On or before September 30 ~~annually,~~ biennially,
7 beginning in ~~1989~~ 2001, prepare and submit to the chief clerk of each house of the
8 legislature for distribution to the legislature under s. 13.172 (2) a report that
9 includes all of the following information for the fiscal year preceding the date that
10 the report is due:

11 **SECTION 3046.** 230.05 (2) (a) of the statutes is amended to read:

12 230.05 (2) (a) Except as provided under par. (b), the administrator may
13 delegate, in writing, any of his or her functions set forth in this subchapter to an
14 appointing authority, within prescribed standards if the administrator finds that the
15 agency has personnel management capabilities to perform such functions effectively
16 ~~and has indicated its approval and willingness to accept such responsibility by~~
17 ~~written agreement.~~ If the administrator determines that any agency is not
18 performing such delegated function within prescribed standards, the administrator
19 shall withdraw such delegated function. The administrator may order transfer to
20 the division from the agency to which delegation was made such agency staff and
21 other resources as necessary to perform such functions if increased staff was
22 authorized to that agency as a consequence of such delegation or if the division
23 reduced staff or shifted staff to new responsibilities as a result of such delegation
24 subject to the approval of the joint committee on finance. Any delegatory action
25 taken under this subsection by any appointing authority may be appealed to the

SENATE BILL 55**SECTION 3046**

1 personnel commission under s. 230.44 (1) (a). The administrator shall be a party in
2 such appeal.

3 **SECTION 3047.** 230.06 (1) (L) of the statutes is repealed.

4 **SECTION 3048.** 230.08 (2) (e) 1. of the statutes is amended to read:

5 230.08 (2) (e) 1. Administration — ~~12~~ 10.

6 **SECTION 3049.** 230.08 (2) (e) 3m. of the statutes is amended to read:

7 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
8 administration determines that the federal communications commission has
9 approved the transfer of all broadcasting licenses held by the educational
10 communications board to the broadcasting corporation as defined in s. 39.81 (2), this
11 subdivision does not apply on and after the effective date of the last license
12 transferred as determined by the secretary of administration under s. 39.87 (2) (a).

13 **SECTION 3050.** 230.08 (2) (e) 3r. of the statutes is created to read:

14 230.08 (2) (e) 3r. Electronic government — 3.

15 **SECTION 3051.** 230.08 (2) (e) 13. of the statutes is amended to read:

16 230.08 (2) (e) 13. Veterans affairs — ~~2~~ 5.

17 **SECTION 3052.** 230.08 (2) (km) of the statutes is created to read:

18 230.08 (2) (km) Persons employed by the department of administration who
19 were transferred to the department of administration under s. 39.86 (4) and who
20 immediately before their transfer occupied a position described under par. (e) 3m.,
21 (L) 2. or (we).

22 **SECTION 3053.** 230.08 (2) (L) 2. of the statutes is amended to read:

23 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).
24 If the secretary of administration determines that the federal communications
25 commission has approved the transfer of all broadcasting licenses held by the

SENATE BILL 55**SECTION 3053**

1 educational communications board to the broadcasting corporation, as defined in s.
2 39.81 (2), this subdivision does not apply on and after the effective date of the last
3 license transferred as determined by the secretary of administration under s. 39.87
4 (2) (a).

5 **SECTION 3054.** 230.08 (2) (oe) of the statutes is created to read:

6 230.08 (2) (oe) Special masters employed by the elections board under s. 7.08
7 (7).

8 **SECTION 3055.** 230.08 (2) (vm) of the statutes is created to read:

9 230.08 (2) (vm) The executive director of the board on education evaluation and
10 accountability.

11 **SECTION 3056.** 230.08 (2) (we) of the statutes is amended to read:

12 230.08 (2) (we) Professional staff members of the educational communications
13 board authorized under s. 39.13 (2). If the secretary of administration determines
14 that the federal communications commission has approved the transfer of all
15 broadcasting licenses held by the educational communications board to the
16 broadcasting corporation, as defined in s. 39.81 (2), this paragraph does not apply on
17 and after the effective date of the last license transferred as determined by the
18 secretary of administration under s. 39.87 (2) (a).

19 **SECTION 3057.** 230.08 (2) (xm) of the statutes is created to read:

20 230.08 (2) (xm) The commandant of the Southern Wisconsin Veterans
21 Retirement Center in the department of veterans affairs.

22 **SECTION 3058.** 230.08 (2) (ya) of the statutes is created to read:

23 230.08 (2) (ya) The state-local government coordinator in the department of
24 administration.

25 **SECTION 3059.** 230.08 (4) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 3059**

1 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
2 includes all administrator positions specifically authorized by law to be employed
3 outside the classified service in each department, board or commission and the
4 historical society. ~~In~~ Except as provided in par. (am), in this paragraph,
5 “department” has the meaning given under s. 15.01 (5), “board” means the
6 educational communications board, investment board, public defender board and
7 technical college system board and “commission” means the public service
8 commission. Notwithstanding sub. (2) (z), no division administrator position
9 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
10 service.

11 **SECTION 3060.** 230.08 (4) (am) of the statutes is created to read:

12 230.08 (4) (am) If the secretary of administration determines that the federal
13 communications commission has approved the transfer of all broadcasting licenses
14 held by the educational communications board to the broadcasting corporation, as
15 defined in s. 39.81 (2), on and after the effective date of the last license transferred
16 as determined by the secretary of administration under s. 39.87 (2) (a), “board” in par.
17 (a) means the investment board, public defender board, and technical college system
18 board.

19 **SECTION 3061.** 230.09 (2) (g) of the statutes is amended to read:

20 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
21 that the classification for a position is different than that provided for by the
22 legislature as established by law or in budget determinations, or as authorized by the
23 joint committee on finance under s. 13.10, or as specified by the governor in creating
24 positions under s. 16.505 (1) (c) or (2), the chief information officer in transferring
25 positions under s. 16.505 (2e), the University of Wisconsin Hospitals and Clinics

SENATE BILL 55**SECTION 3061**

1 Board in creating positions under s. 16.505 (2n) or the board of regents of the
2 University of Wisconsin System in creating positions under s. 16.505 (2m), or is
3 different than that of the previous incumbent, the secretary shall notify the
4 administrator and the secretary of administration. The administrator shall
5 withhold action on the selection and certification process for filling the position. The
6 secretary of administration shall review the position to determine that sufficient
7 funds exist for the position and that the duties and responsibilities of the proposed
8 position reflect the intent of the legislature as established by law or in budget
9 determinations, the intent of the joint committee on finance acting under s. 13.10,
10 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the chief
11 information officer transferring positions under s. 16.505 (2e), the University of
12 Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n) or the
13 intent of the board of regents of the University of Wisconsin System creating
14 positions under s. 16.505 (2m). The administrator may not proceed with the selection
15 and certification process until the secretary of administration has authorized the
16 position to be filled.

17 **SECTION 3062.** 230.15 (1) of the statutes is amended to read:

18 230.15 (1) Appointments to, and promotions in, the classified service shall be
19 made only according to merit and fitness, which shall be ascertained so far as
20 practicable by competitive examination. The administrator may waive competitive
21 examination for appointments made under subs. (1m), (1r), and (2) and shall waive
22 competitive examination for appointments made under sub. (2m).

23 **SECTION 3063.** 230.15 (1r) of the statutes is created to read:

24 230.15 (1r) If a vacancy occurs in a position that is to be filled according to the
25 terms of a pilot program under s. 230.23 and the terms of the pilot program provide

SENATE BILL 55**SECTION 3063**

1 that the competition requirements for filling the position may be waived, the
2 administrator may waive the competition requirements for filling the position.

3 **SECTION 3064.** 230.19 (2) of the statutes is amended to read:

4 230.19 (2) If, in the judgment of the administrator, the group of applicants best
5 able to meet the requirements for vacancies in positions in the classified service are
6 available within the classified service, the vacancies shall be filled by competition
7 limited to persons in the classified service who are not employed under s. 230.26 or
8 230.27 and persons with the right of restoration resulting from layoff under s. 230.34
9 (2), unless it is necessary to go outside the classified service to be consistent with an
10 approved affirmative action plan or program. The administrator may also limit
11 competition for promotion to the employees of an agency or an employing unit within
12 an agency if the resulting group of applicants would fairly represent the proportion
13 of members of racial and ethnic, gender or disabled groups in the relevant labor pool
14 for the state, unless it is necessary to go outside the classified service to be consistent
15 with an approved affirmative action plan or program.

16 **SECTION 3065.** 230.19 (4) of the statutes is created to read:

17 230.19 (4) If a vacancy occurs in a position that is to be filled according to the
18 terms of a pilot program under s. 230.23, the terms of the pilot program shall
19 supersede any inconsistent requirements established under this section.

20 **SECTION 3066.** 230.21 (1m) (a) of the statutes is renumbered 230.21 (1m).

21 **SECTION 3067.** 230.21 (1m) (b) of the statutes is repealed.

22 **SECTION 3068.** 230.215 (3) (b) of the statutes is amended to read:

23 230.215 (3) (b) If the secretary, upon review of the report submitted under sub.
24 (4), determines that an agency's past or proposed actions relating to permanent
25 part-time employment opportunities do not adequately reflect the policy under sub.

SENATE BILL 55**SECTION 3068**

1 (1) (e), the secretary may recommend procedures designed to enable the agency to
2 effect such policy.

3 **SECTION 3069.** 230.215 (4) of the statutes is repealed.

4 **SECTION 3070.** 230.23 of the statutes is created to read:

5 **230.23 Merit recruitment and selection pilot programs. (1)** The
6 administrator may establish any number of pilot programs affecting one or more
7 agencies for appointments to, and promotions in, the classified service if all of the
8 following conditions are met:

9 (a) The administrator clearly specifies the purpose of the pilot program and the
10 evaluation criteria and evaluation methodology that he or she will use to evaluate
11 the pilot program.

12 (b) Appointments and promotions to positions under the pilot program are
13 made according to the applicant's merit and fitness for the position.

14 (c) The pilot program is not in effect for a period exceeding one year.

15 (d) The secretary approves the pilot program.

16 (e) The administrator submits a report describing the terms of the pilot
17 program to the governor and to each house of the legislature for distribution to the
18 legislature under s. 13.172 (2) no later than 30 days before the commencement of the
19 pilot program.

20 **(2)** No later than 60 days after completion of a pilot program, the administrator
21 shall submit a report evaluating the pilot program to the governor and to each house
22 of the legislature for distribution to the legislature under s. 13.172 (2).

23 **SECTION 3071.** 230.25 (1p) of the statutes is repealed.

24 **SECTION 3072.** 230.25 (5m) of the statutes is created to read:

SENATE BILL 55**SECTION 3072**

1 230.25 **(5m)** Unless otherwise provided in the terms of a pilot program under
2 s. 230.23, this section shall not apply to any vacancy in a position that is to be filled
3 according to the terms of a pilot program under s. 230.23.

4 **SECTION 3073.** 230.26 (1m) of the statutes is repealed.

5 **SECTION 3074.** 230.26 (2) of the statutes is amended to read:

6 230.26 **(2)** If there are urgent reasons for filling a vacancy in any position in
7 the classified service and the administrator is unable to certify to the appointing
8 authority, upon requisition by the latter, a list of persons eligible for appointment
9 from an appropriate employment register, the appointing authority may nominate
10 a person to the administrator for noncompetitive examination. If the nominee is
11 certified by the administrator as qualified, the nominee may be appointed
12 provisionally to fill the vacancy until an appointment can be made from a register
13 established after announcement of competition for the position, except that no
14 provisional appointment may be continued for more than 45 working days after the
15 date of certification from the register. Successive appointments may not be made
16 under this subsection. This subsection does not apply to a person appointed to a
17 vacant position in the classified service under s. 230.275 or to a vacant position in the
18 classified service that is to be filled according to the terms of a pilot program under
19 s. 230.23.

20 **SECTION 3075.** 230.26 (5) of the statutes is amended to read:

21 230.26 **(5)** If the administrator determines that an agency is not in compliance
22 with the requirements of, or rules related to, sub. (1), ~~(1m)~~ or (2) regarding a
23 particular employee, the administrator shall direct the appointing authority to
24 terminate the employee.

25 **SECTION 3076.** 230.27 (1m) of the statutes is repealed.

SENATE BILL 55**SECTION 3077**

1 **SECTION 3077.** 230.27 (2k) of the statutes is repealed.

2 **SECTION 3078.** 230.28 (7) of the statutes is created to read:

3 230.28 (7) Unless otherwise provided in the terms of a pilot program under s.
4 230.23, this section shall not apply to any appointment to a vacancy in a position that
5 is to be filled according to the terms of a pilot program under s. 230.23.

6 **SECTION 3079.** 230.35 (1m) (a) 5. of the statutes is created to read:

7 230.35 (1m) (a) 5. A position held by an employee of the state fair park board
8 who was employed on October 29, 1999, in a career executive position under the
9 program established under s. 230.24.

10 **SECTION 3080.** 230.35 (3) (a) of the statutes is amended to read:

11 230.35 (3) (a) Officials and employees of the state who have permanent status
12 and who are members of the national guard, the naval militia, the state defense force,
13 or any other reserve component of the military forces of the United States or this
14 state now or hereafter organized or constituted under federal or state law, are
15 entitled to leaves of absence without loss of time in the service of the state, to enable
16 them to attend military schools and annual field training or annual active duty for
17 training, and any other state or federal tours of active duty, except extended active
18 duty or service as a member of the active armed forces of the United States which
19 have been duly ordered but not exceeding 30 days, excluding Saturdays, Sundays
20 and holidays enumerated in sub. (4) in the calendar year in which so ordered and
21 held. During this leave of absence, each state official or employee shall receive base
22 state pay less the base military pay received for and identified with such attendance
23 but such reduction shall not be more than the base state pay. Such Other than for
24 a leave of absence for the adjutant general and any deputy adjutants general, such
25 leave shall not be granted for absences of less than 3 days. A state official or employee

SENATE BILL 55**SECTION 3080**

1 serving on state active duty as a member of the national guard, naval militia, or state
2 defense force, may elect to receive pay from the state under s. 20.465 (1) in an amount
3 equal to base state salary for such period of state active duty. Leave granted by this
4 section is in addition to all other leaves granted or authorized by any other law. For
5 the purpose of determining seniority, pay or pay advancement and performance
6 awards the status of the employee shall be considered uninterrupted by such
7 attendance.

8 **SECTION 3081.** 230.36 (1m) (b) 2. (intro.) of the statutes is amended to read:

9 230.36 **(1m)** (b) 2. (intro.) A conservation warden, conservation patrol boat
10 captain, conservation patrol boat engineer, member of the state patrol, state motor
11 vehicle inspector, University of Wisconsin System police officer, security officer, or
12 security person, ~~state fair park police officer~~, special tax agent, excise tax
13 investigator employed by the department of revenue, and special criminal
14 investigation agent employed by the department of justice at all times while:

15 **SECTION 3082.** 230.36 (2m) (a) 13. of the statutes is repealed.

16 **SECTION 3083.** 230.45 (1) (e) of the statutes is repealed.

17 **SECTION 3084.** 230.45 (3) of the statutes is amended to read:

18 230.45 **(3)** The commission shall promulgate rules establishing a schedule of
19 filing fees to be paid by any person who files an appeal under sub. (1) (c) ~~or (e)~~ or s.
20 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules
21 promulgated under this subsection. Fees paid under this subsection shall be
22 deposited in the general fund as general purpose revenue - earned.

23 **SECTION 3085.** 230.46 of the statutes is amended to read:

24 **230.46 Duties of council on affirmative action.** The council on affirmative
25 action in the department shall serve in a direct advisory capacity to the secretary and

SENATE BILL 55**SECTION 3085**

1 as part of that relationship shall evaluate the progress of affirmative action
2 programs throughout the civil service system, seek compliance with state and
3 federal regulations and recommend improvements in the state's affirmative action
4 efforts as an employer. In carrying out its responsibilities, the council may
5 recommend legislation, consult with agency personnel and other interested persons,
6 conduct hearings and take other appropriate action to promote affirmative action.
7 The Beginning in 2001, the council shall report at least once per year every 2 years
8 to the governor and the legislature.

9 **SECTION 3086.** 231.01 (4m) of the statutes is amended to read:

10 231.01 (4m) "Educational facility" means a facility used for education by a
11 regionally accredited, private, ~~postsecondary educational~~ institution that is
12 described in section 501 (c) (3) of the Internal Revenue Code, as defined in s. 71.22
13 (4), and that is exempt from federal taxation under section 501 (a) of the Internal
14 Revenue Code.

15 **SECTION 3087.** 231.01 (9) of the statutes is amended to read:

16 231.01 (9) "Revenues" means, with respect to any project, the rents, fees,
17 charges, and other income or profit derived therefrom and, with respect to any bonds
18 issued under s. 231.03 (6) (g), tobacco settlement revenues identified in the bond
19 resolution.

20 **SECTION 3088.** 231.01 (11) of the statutes is created to read:

21 231.01 (11) "Tobacco settlement agreement" has the meaning given in s. 16.63
22 (1) (b).

23 **SECTION 3089.** 231.01 (12) of the statutes is created to read:

24 231.01 (12) "Tobacco settlement revenues" has the meaning given in s. 16.63
25 (1) (c).

SENATE BILL 55**SECTION 3090**

1 **SECTION 3090.** 231.03 (6) (g) of the statutes is created to read:

2 231.03 **(6)** (g) Finance a purchase, or make a loan, under sub. (20). Bonds
3 issued under this paragraph shall be payable from, or secured by interests in, tobacco
4 settlement revenues and such other property pledged under the bond resolution and,
5 notwithstanding s. 231.08 (3), are not required to mature in 30 years or less from the
6 date of issue.

7 **SECTION 3091.** 231.03 (20) of the statutes is created to read:

8 231.03 **(20)** Purchase the state's right to receive any of the payments under the
9 tobacco settlement agreement, or make a loan to be secured by the state's right to
10 receive any of the payments under the tobacco settlement agreement, upon such
11 terms and at such prices as the authority considers reasonable and as can be agreed
12 upon between the authority and the other party to the transaction. The authority
13 may issue certificates or other evidences of ownership interest in tobacco settlement
14 revenues upon such terms and conditions as specified by the authority in the
15 resolution under which the certificates or other evidences are issued or in a related
16 trust agreement or trust indenture.

17 **SECTION 3092.** 231.09 of the statutes is amended to read:

18 **231.09 Bond security.** The authority may secure any bonds issued under this
19 chapter by a trust agreement, trust indenture, indenture of mortgage, or deed of
20 trust by and between the authority and one or more corporate trustees, which may
21 be any trust company or bank in this state having the powers of a trust company. The
22 bond resolution providing for the issuance of bonds so secured shall pledge the
23 revenues to be received by the authority as a result of the terms of the financing
24 referred to in the resolution, and may contain such provisions for protecting and
25 enforcing the rights and remedies of the bondholders as are reasonable and proper

SENATE BILL 55**SECTION 3092**

1 and not in violation of law, including particularly such provisions as are specifically
2 authorized by this chapter to be included in any bond resolution of the authority, and
3 may restrict the individual right of action by bondholders. In addition, any bond
4 resolution may contain such other provisions as the authority deems reasonable and
5 proper for the security of the bondholders. All expenses incurred in carrying out the
6 provisions of the bond resolution may be treated as a part of the cost of the operation
7 of a project.

8 **SECTION 3093.** 231.16 (1) of the statutes is amended to read:

9 231.16 (1) The authority may issue bonds to refund any outstanding bond of
10 the authority or indebtedness that a participating health institution, participating
11 educational institution, or participating child care provider may have incurred for
12 the construction or acquisition of a project prior to or after April 30, 1980, including
13 the payment of any redemption premium on the outstanding bond or indebtedness
14 and any interest accrued or to accrue to the earliest or any subsequent date of
15 redemption, purchase, or maturity, or to pay all or any part of the cost of constructing
16 and acquiring additions, improvements, extensions, or enlargements of a project or
17 any portion of a project. ~~No~~ Except for bonds to refund bonds issued under s. 231.03
18 (6) (g), no bonds may be issued under this section unless the authority has first
19 entered into a new or amended agreement with a participating health institution,
20 participating educational institution, or participating child care provider to provide
21 sufficient revenues to pay the costs and other items described in s. 231.13.

22 **SECTION 3094.** 231.16 (3) of the statutes is amended to read:

23 231.16 (3) All bonds issued under this section shall be subject to this chapter
24 in the same manner and to the same extent as other bonds issued pursuant to this
25 chapter, except that the limitations with respect to dates under s. 231.03 (6) (e) and

SENATE BILL 55**SECTION 3094**

1 (f) and (14) do not apply to bonds issued under this section, and the requirement
2 under s. 231.08 (3) that the bonds mature in 30 years or less from their date of issue
3 does not apply to bonds issued under this section to refund bonds issued under s.
4 231.03 (6) (g).

5 **SECTION 3095.** 231.215 of the statutes is created to read:

6 **231.215 Incorporator for purpose related to purchase or sale of right**
7 **to payments.** The authority, or its executive director, may organize one or more
8 nonstock corporations under ch. 181 or limited liability companies under ch. 183 for
9 any purpose related to purchasing or selling the state's right to receive any of the
10 payments under the tobacco settlement agreement and may take any action
11 necessary to facilitate and complete the purchase or sale.

12 **SECTION 3096.** 233.27 of the statutes is amended to read:

13 **233.27 Limit on the amount of outstanding bonds.** The authority may not
14 issue bonds or incur indebtedness described under s. 233.03 (12) if, after the bonds
15 are issued or the indebtedness is incurred, the aggregate principal amount of the
16 authority's outstanding bonds, together with all indebtedness described under s.
17 233.03 (12) would exceed ~~\$106,500,000~~ \$175,000,000. Bonds issued to fund or refund
18 outstanding bonds, or indebtedness incurred to pay off or purchase outstanding
19 indebtedness, is not included in calculating compliance with the ~~\$106,500,000~~
20 \$175,000,000 limit.

21 **SECTION 3097.** 234.01 (4n) (a) 3m. a. of the statutes is amended to read:

22 234.01 (4n) (a) 3m. a. The facility is in a tax incremental district or an
23 environmental remediation tax incremental district or is the subject of an urban
24 development action grant and will result in a net economic benefit to the state.

25 **SECTION 3098.** 234.265 (2) of the statutes is amended to read:

SENATE BILL 55**SECTION 3098**

1 234.265 (2) Records or portions of records consisting of personal or financial
2 information provided by a person seeking a grant or loan under s. 234.08, 234.49,
3 234.59, 234.61, 234.65, 234.67, 234.83, 234.84, 234.90, ~~234.905~~, 234.907, or 234.91,
4 seeking a loan under ss. 234.621 to 234.626, seeking financial assistance under s.
5 234.66, seeking investment of funds under s. 234.03 (18m), or in which the authority
6 has invested funds under s. 234.03 (18m), unless the person consents to disclosure
7 of the information.

8 **SECTION 3099.** 234.65 (3) (f) of the statutes, as affected by 1999 Wisconsin Act
9 9, is amended to read:

10 234.65 (3) (f) The name of the person receiving the loan does not appear on the
11 statewide support lien docket under s. 49.854 (2) (b). ~~The condition under this~~
12 ~~paragraph is met for a person whose name does appear if or, if the person's name~~
13 appears on that docket, the person provides to the authority a payment agreement
14 that has been approved by the county child support agency under s. 59.53 (5) and that
15 is consistent with rules promulgated under s. 49.858 (2) (a).

16 **SECTION 3100.** 234.67 (1) (f) of the statutes is amended to read:

17 234.67 (1) (f) "Percentage of guarantee" means the percentage established by
18 the authority under sub. (3) (a).

19 **SECTION 3101.** 234.67 (3) (a) of the statutes is renumbered 234.67 (3) and
20 amended to read:

21 234.67 (3) GUARANTEE OF COLLECTION. ~~Subject to par. (b), the~~ The authority
22 shall guarantee collection of a percentage, not exceeding 90%, of the principal of any
23 loan eligible for a guarantee under sub. (2). The authority shall establish the
24 percentage of the unpaid principal of an eligible loan that will be guaranteed, using
25 the procedures described in the guarantee agreement under s. 234.93 (2) (a). The

SENATE BILL 55**SECTION 3101**

1 authority may establish a single percentage for all guaranteed loans or establish
2 different percentages for eligible loans on an individual basis.

3 **SECTION 3102.** 234.67 (3) (b) of the statutes is repealed.

4 **SECTION 3103.** 234.83 (1) of the statutes is renumbered 234.83 (1m).

5 **SECTION 3104.** 234.83 (1c) of the statutes is created to read:

6 234.83 (1c) DEFINITIONS. In this section:

7 (a) "Rural community" means a city, town, or village in this state with a
8 population of less than 50,000.

9 (b) "Small business" means a business, as defined in s. 560.60 (2), that employs
10 50 or fewer employees on a full-time basis.

11 **SECTION 3105.** 234.83 (2) (a) (intro.) of the statutes is amended to read:

12 234.83 (2) (a) (intro.) A business, ~~as defined in s. 560.60 (2)~~, to which all of the
13 following apply:

14 **SECTION 3106.** 234.83 (2) (a) 2. of the statutes is amended to read:

15 234.83 (2) (a) 2. The business employs ~~50 or fewer employees on a full-time~~
16 ~~basis is a small business.~~

17 **SECTION 3107.** 234.83 (2) (a) 3. of the statutes, as affected by 1999 Wisconsin
18 Act 9, is amended to read:

19 234.83 (2) (a) 3. The name of the owner of the business does not appear on the
20 statewide support lien docket under s. 49.854 (2) (b). ~~The condition under this~~
21 ~~subdivision is met for an owner whose name does appear if or, if the name of the~~
22 ~~owner of the business appears on that docket,~~ the owner of the business provides to
23 the authority a payment agreement that has been approved by the county child
24 support agency under s. 59.53 (5) and that is consistent with rules promulgated
25 under s. 49.858 (2) (a).

SENATE BILL 55**SECTION 3108**

1 **SECTION 3108.** 234.83 (3) (a) 2. of the statutes is amended to read:

2 234.83 (3) (a) 2. The start-up, ~~expansion or acquisition~~ of a day care business,
3 including the purchase or improvement of land, buildings, machinery, equipment, ~~and~~
4 inventory.

5 **SECTION 3109.** 234.83 (3) (a) 3. of the statutes is created to read:

6 234.83 (3) (a) 3. The start-up of a small business in a vacant storefront in the
7 downtown area of a rural community, including the purchase or improvement of
8 land, buildings, machinery, equipment, or inventory.

9 **SECTION 3110.** 234.83 (4) (a) of the statutes is renumbered 234.83 (4) and
10 amended to read:

11 234.83 (4) GUARANTEE OF REPAYMENT. ~~Subject to par. (b), the~~ The authority may
12 guarantee repayment of a portion of the principal of any loan eligible for a guarantee
13 under sub. (1) (1m). That portion may not exceed 80% of the principal of the loan or
14 \$200,000, whichever is less. The authority shall establish the portion of the principal
15 of an eligible loan that will be guaranteed, using the procedures described in the
16 agreement under s. 234.93 (2) (a). The authority may establish a single portion for
17 all guaranteed loans that do not exceed \$250,000 and a single portion for all
18 guaranteed loans that exceed \$250,000 or establish on an individual basis different
19 portions for eligible loans that do not exceed \$250,000 and different portions for
20 eligible loans that exceed \$250,000.

21 **SECTION 3111.** 234.83 (4) (b) of the statutes is repealed.

22 **SECTION 3112.** 234.90 (3) (d) of the statutes, as affected by 1999 Wisconsin Act
23 9, is amended to read:

24 234.90 (3) (d) The farmer's name does not appear on the statewide support lien
25 docket under s. 49.854 (2) (b). ~~The condition under this paragraph is met for a farmer~~

SENATE BILL 55**SECTION 3112**

1 ~~whose name does appear if~~ or, if the farmer's name appears on that docket, the farmer
2 provides to the authority a payment agreement that has been approved by the county
3 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
4 under s. 49.858 (2) (a).

5 **SECTION 3113.** 234.90 (3g) (c) of the statutes, as affected by 1999 Wisconsin Act
6 9, is amended to read:

7 234.90 (3g) (c) The farmer's name does not appear on the statewide support lien
8 docket under s. 49.854 (2) (b). ~~The condition under this paragraph is met for a farmer~~
9 ~~whose name does appear if~~ or, if the farmer's name appears on that docket, the farmer
10 provides to the authority a payment agreement that has been approved by the county
11 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
12 under s. 49.858 (2) (a).

13 **SECTION 3114.** 234.90 (4) (a) of the statutes is renumbered 234.90 (4) and
14 amended to read:

15 234.90 (4) GUARANTEE. ~~Except as provided in par. (b), the~~ The authority shall
16 guarantee repayment of 90% of the principal of any agricultural production loan
17 eligible for guarantee under sub. (2) made to a farmer eligible for a guaranteed loan
18 under sub. (3) or (3g).

19 **SECTION 3115.** 234.90 (4) (b) of the statutes is repealed.

20 **SECTION 3116.** 234.905 of the statutes is repealed.

21 **SECTION 3117.** 234.907 (1) (f) of the statutes is amended to read:

22 234.907 (1) (f) "Percentage of guarantee" means the percentage established by
23 the authority under sub. (3) (a).

24 **SECTION 3118.** 234.907 (3) (a) of the statutes is renumbered 234.907 (3) and
25 amended to read:

SENATE BILL 55**SECTION 3118**

1 234.907 (3) GUARANTEE OF COLLECTION. ~~Subject to par. (b), the~~ The authority
2 shall guarantee collection of a percentage, not exceeding 90%, of the principal of any
3 loan eligible for a guarantee under sub. (2). The authority shall establish the
4 percentage of the unpaid principal of an eligible loan that will be guaranteed, using
5 the procedures described in the guarantee agreement under s. 234.93 (2) (a). The
6 authority may establish a single percentage for all guaranteed loans or establish
7 different percentages for eligible loans on an individual basis.

8 **SECTION 3119.** 234.907 (3) (b) of the statutes is repealed.

9 **SECTION 3120.** 234.91 (5) (a) of the statutes is amended to read:

10 234.91 (5) (a) ~~Subject to par. (e), the~~ The authority shall guarantee collection
11 of a percentage of the principal of a loan eligible for a guarantee under sub. (2). The
12 principal amount of an eligible loan that the authority may guarantee may not
13 exceed the borrower's net worth or 25% of the total loan amount, whichever is less,
14 calculated at the time the loan is made.

15 **SECTION 3121.** 234.91 (5) (c) of the statutes is repealed.

16 **SECTION 3122.** 234.93 (3) (title) of the statutes is amended to read:

17 234.93 (3) (title) ~~INCREASES OR DECREASES IN LOAN~~ LOAN GUARANTEES; INCREASES
18 OR DECREASES.

19 **SECTION 3123.** 234.93 (3) of the statutes is renumbered 234.93 (3) (b) and
20 amended to read:

21 234.93 (3) (b) The authority may request the joint committee on finance to take
22 action under s. 13.10 to permit the authority to increase or decrease the total
23 principal amount or total outstanding guaranteed principal amount of loans that it
24 may guarantee under a ~~program~~ the aggregate of the programs guaranteed by the
25 Wisconsin development reserve fund. Included with its request, the authority shall

SENATE BILL 55**SECTION 3123**

1 provide a projection, for the next June 30, that compares the amounts required on
2 that date to pay outstanding claims and to fund guarantees under all the aggregate
3 of the programs guaranteed by funds from the Wisconsin development reserve fund,
4 and the balance remaining in the Wisconsin development reserve fund on that date
5 after deducting such amounts, if the increase or decrease is approved, with such
6 amounts and the balance remaining, if the increase or decrease is not approved.

7 **SECTION 3124.** 234.93 (3) (a) of the statutes is created to read:

8 234.93 (3) (a) Except as provided in par. (b), the total principal amount or total
9 outstanding guaranteed principal amount of all loans that the authority may
10 guarantee under the aggregate of the programs guaranteed by funds from the
11 Wisconsin development reserve fund, excluding the program under s. 234.935, 1997
12 stats., may not exceed \$62,000,000.

13 **SECTION 3125.** 234.93 (4) (a) 2. of the statutes is amended to read:

14 234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by
15 funds from the Wisconsin development reserve fund, except for the program under
16 s. 234.935, 1997 stats., at a ratio of \$1 of reserve funding to ~~\$4.50~~ \$5.50 of total
17 outstanding principal and outstanding guaranteed principal that the authority may
18 guarantee under all of those programs.

19 **SECTION 3126.** 234.93 (4m) of the statutes is amended to read:

20 234.93 (4m) LIMITATION ON LOAN GUARANTEES. The authority shall regularly
21 monitor the cash balance in the Wisconsin development reserve fund. The authority
22 shall ensure that the cash balance in the fund is sufficient for the purposes specified
23 in sub. (4) (a) 1. ~~and, 2., and 3.~~

24 **SECTION 3127.** Chapter 235 of the statutes is repealed.

25 **SECTION 3128.** Chapter 237 of the statutes is created to read:

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CHAPTER 237

FOX RIVER NAVIGATIONAL

SYSTEM AUTHORITY

237.01 Definitions. In this chapter:

(1) "Authority" means the Fox River Navigational System Authority.

(2) "Board of directors" means the board of directors of the authority.

(3) "Fiscal year" means the period beginning on July 1 and ending on the following June 30.

237.02 Creation and organization of authority. (1) There is created a public body corporate and politic to be known as the "Fox River Navigational System Authority." The board of directors of the authority shall consist of the following members:

(a) Six members appointed by the governor for 3-year terms.

(b) The secretary of natural resources, or his or her designee.

(c) The secretary of transportation, or his or her designee.

(d) The director of the state historical society, or his or her designee.

(2) A vacancy on the board of directors shall be filled in the same manner as the original appointment to the board of directors for the remainder of the unexpired term, if any.

(3) A member of the board of directors may not be compensated for his or her services but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the performance of his or her duties.

(4) No cause of action of any nature may arise against and no civil liability may be imposed upon a member of the board of directors for any act or omission in the

SENATE BILL 55**SECTION 3128**

1 performance of his or her powers and duties under this chapter, unless the person
2 asserting liability proves that the act or omission constitutes willful misconduct.

3 (5) The members of the board of directors shall annually elect a chairperson
4 and may elect other officers as they consider appropriate. Five voting members of
5 the board of directors constitute a quorum for the purpose of conducting the business
6 and exercising the powers of the authority, notwithstanding the existence of any
7 vacancy. The board of directors may take action upon a vote of a majority of the
8 members present, unless the bylaws of the authority require a larger number.

9 (6) The board of directors shall appoint a chief executive officer who shall not
10 be a member of the board of directors and who shall serve at the pleasure of the board
11 of directors. The authority may delegate by resolution to one or more of its members
12 or its executive director any powers and duties that it considers proper. The chief
13 executive officer shall receive such compensation as may be determined by the board
14 of directors. The chief executive officer or other person designated by resolution of
15 the board of directors shall keep a record of the proceedings of the authority and shall
16 be custodian of all books, documents, and papers filed with the authority, the minute
17 book or journal of the authority, and its official seal. The chief executive officer or
18 other person may cause copies to be made of all minutes and other records and
19 documents of the authority and may give certificates under the official seal of the
20 authority to the effect that such copies are true copies, and all persons dealing with
21 the authority may rely upon such certificates.

22 **237.03 Duties of authority. (1) GENERAL DUTIES.** In addition to all other
23 duties imposed under this chapter, the authority shall do all of the following:

24 (a) Adopt bylaws and policies and procedures for the regulation of its affairs
25 and the conduct of its business.

SENATE BILL 55**SECTION 3128**

1 (b) Contract for any legal services required for the authority.

2 (c) Establish the authority's annual budget and monitor the fiscal management
3 of the authority.

4 (d) Procure liability insurance covering its officers and employees and procure
5 insurance against any loss in connection with its property and other assets.

6 (e) Make every reasonable effort to contract with one or more corporations to
7 provide the services specified under s. 237.09 (2).

8 **(2) DUTIES UPON LEASING.** Upon entering into the lease under s. 237.06, the
9 authority shall rehabilitate, repair, replace, operate, and maintain the navigational
10 system.

11 **237.04 Powers of authority.** The authority shall have all the powers
12 necessary or convenient to carry out the purposes and provisions of this chapter. In
13 addition to all other powers granted by this chapter, the authority may:

14 **(1)** Incur debt, except as restricted under s. 237.05 (1).

15 **(2)** Sue and be sued.

16 **(3)** Hire employees, define their duties, and fix their rate of compensation.

17 **(4)** Have a seal and alter the seal at pleasure; have perpetual existence; and
18 maintain an office.

19 **(5)** Appoint any technical or professional advisory committee that the
20 authority finds necessary to assist the authority in exercising its duties and powers.
21 The authority shall define the duties of the committee, and provide reimbursement
22 for the expenses of the committee.

23 **(6)** Enter into contracts with 3rd parties as are necessary for the rehabilitation,
24 repair, replacement, operation, or maintenance of the navigational system.

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1 (7) Acquire, lease, subject to s. 237.05 (2), and dispose of property as is
2 necessary for the rehabilitation, repair, replacement, operation, or maintenance of
3 the navigational system.

4 (8) Accept gifts and other funding for the rehabilitation, repair, replacement,
5 operation, or maintenance of the navigational system.

6 (9) Charge user fees for services the authority provides to the operators of
7 watercraft using the navigational system.

8 (10) Charge fees for use of facilities of the navigational system as provided in
9 s. 16.845.

10 **237.05 Restrictions on authority.** (1) The authority may not issue bonds.

11 (2) The authority may not sublease all, or any part of, the navigational system
12 without the approval of the department of administration.

13 **237.06 Lease.** Upon transfer of the ownership of the navigational system by
14 the federal government to the state, the department of administration on behalf of
15 the state and the authority shall enter into a lease agreement under which the state
16 shall lease the navigational system to the authority for nominal consideration. The
17 secretary of administration shall determine the amount of the rental payments.

18 **237.07 Management plan; financial statements.** (1) (a) The authority
19 shall submit to the department of administration a plan that does all the following:

20 1. Addresses the costs of and funding for the rehabilitation, repair,
21 replacement, operation, and maintenance of the navigational system.

22 2. Describes how the authority will manage its funds to ensure that sufficient
23 funding is available to abandon the navigational system if the operation of the
24 navigational system is no longer feasible.

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1 (b) The authority shall submit the plan under par. (a) within 180 days after the
2 date on which the state and the authority enter into the lease agreement specified
3 in s. 237.06.

4 (2) The authority shall update and resubmit the plan under sub. (1) upon the
5 request of the department of administration.

6 (3) (a) For each fiscal year, the authority shall submit to the department of
7 administration an audited financial statement of the funding received by the
8 authority from the department of natural resources under s. 237.08 (2) and by the
9 authority from contributions and other funding accepted by the authority under s.
10 237.08 (3).

11 (b) The financial statement under par. (a) shall include notes that explain in
12 detail the specific sources of funding contained in the financial statement.

13 (4) For each fiscal year in which moneys are to be released to the authority by
14 the department of natural resources under s. 237.08, each corporation specified in
15 s. 237.09 shall submit to the authority an audited financial statement of the amount
16 raised by the corporation under s. 237.09 (2) (b) for that fiscal year.

17 **237.08 Sources of funding. (1) FEDERAL FUNDING.** The authority shall accept
18 federal funding for the rehabilitation, repair, replacement, operation, and
19 maintenance of the navigational system and shall agree with any conditions
20 attached to the funding.

21 (2) STATE FUNDING. From the appropriation under s. 20.370 (5) (cq) and before
22 applying the percentages under s. 30.92 (4) (b) 6., the department of natural
23 resources shall set aside for the rehabilitation and repair of the navigational system
24 \$400,000 in each fiscal year to be matched by the moneys raised under s. 237.09 (2)
25 (b). The funding shall be set aside beginning with the first fiscal year beginning after

SENATE BILL 55**SECTION 3128**

1 the submittal of the initial management plan submitted under s. 237.07 (1) and shall
2 continue to be set aside in each of the next 6 consecutive fiscal years. From the
3 funding that is set aside, the department shall release to the authority for each fiscal
4 year an amount equal to the total amount raised by each corporation under s. 237.09
5 (2) (b) for which matching funding has not been previously released.

6 **(3) OTHER FUNDING.** The authority shall encourage and may accept
7 contributions and funding for the rehabilitation, repair, replacement, operation, or
8 maintenance of the navigational system. The authority shall also accept funding
9 raised by each corporation under s. 237.09 (2).

10 **237.09 Requirements for nonprofit corporations.** (1) Each corporation
11 contracted with under s. 237.03 (1) (e) shall be a nonprofit corporation as described
12 in section 501 (c) (3) of the Internal Revenue Code that is exempt from federal income
13 tax under section 501 (a) of the Internal Revenue Code and shall be based in one or
14 more of the counties in which the navigational system is located.

15 **(2)** Each corporation contracted with under s. 237.03 (1) (e) shall do all of the
16 following:

17 (a) Provide marketing and fund-raising services for the authority.

18 (b) Make every reasonable effort to raise \$2,750,000 of local or private funding
19 for the rehabilitation and repair of the navigational system.

20 (c) Accept for investment moneys received by the authority for rehabilitation
21 and repair under s. 237.08 and invest the moneys at a rate of return that the
22 authority finds adequate to enable the authority to exercise its duties and powers in
23 rehabilitating and repairing the navigational system.

24 **(3)** If the authority contracts with more than one corporation under s. 237.03
25 (1) (e), all of the corporations shall make the effort to raise the total of \$2,750,000.

SENATE BILL 55**SECTION 3128**

1 **237.10 Rapide Croche lock.** (1) Upon entering into the lease under s.
2 237.06, the authority shall maintain the sea lamprey barrier at the Rapide Croche
3 lock according to specifications of the department of natural resources in order to
4 prevent sea lampreys and other aquatic nuisance from moving upstream.

5 (2) If the authority decides to construct a means to transport watercraft around
6 the Rapide Croche lock, the authority shall develop a plan for the construction that
7 includes steps to be taken to control sea lampreys and other aquatic nuisance species.
8 The authority shall submit the plan to the department of natural resources and may
9 not implement the plan unless it has been approved by the department.

10 **237.11 Political activities.** (1) No employee of the authority may directly
11 or indirectly solicit or receive subscriptions or contributions for any partisan political
12 party or any political purpose while engaged in his or her official duties as an
13 employee. No employee of the authority may engage in any form of political activity
14 calculated to favor or improve the chances of any political party or any person seeking
15 or attempting to hold partisan political office while engaged in his or her official
16 duties as an employee or engage in any political activity while not engaged in his or
17 her official duties as an employee to such an extent that the person's efficiency during
18 working hours will be impaired or that he or she will be tardy or absent from work.
19 Any violation of this section is adequate grounds for dismissal.

20 (2) If an employee of the authority declares an intention to run for partisan
21 political office the employee shall be placed on a leave of absence for the duration of
22 the election campaign and if elected shall no longer be employed by the authority on
23 assuming the duties and responsibilities of such office.

24 (3) An employee of the authority may be granted by the chief executive officer
25 a leave of absence to participate in partisan political campaigning.

SENATE BILL 55**SECTION 3128**

1 (4) Persons on leave of absence under sub. (2) or (3) shall not be subject to the
2 restrictions of sub. (1), except as they apply to the solicitation of assistance,
3 subscription, or support from any other employee in the authority.

4 **237.12 Liability limited.** (1) Neither the state nor any political subdivision
5 of the state nor any officer, employee, or agent of the state or a political subdivision
6 who is acting within the scope of employment or agency is liable for any debt,
7 obligation, act, or omission of the authority.

8 (2) All of the expenses incurred by the authority in exercising its duties and
9 powers under this chapter shall be payable only from funds of the authority.

10 **237.13 Exemption.** Any activity or project involving the navigational system,
11 including abandonment of the navigational system, is exempt from any permit,
12 license, or other approval required under ch. 30 or 31.

13 **237.14 Abandonment.** If the authority determines the operation of the
14 navigational system is no longer feasible, the authority shall submit a plan to the
15 department of administration and to the department of natural resources describing
16 the steps the authority will take in abandoning the navigational system. The
17 navigational system may not be abandoned unless both the department of
18 administration and the department of natural resources determine that the plan for
19 abandonment will preserve the public rights in the Fox River, will ensure safety, and
20 will protect life, health, and property.

21 **237.15 Transitional provisions.** (1) FUNDING. The department of
22 administration shall transfer the unencumbered balances in the appropriation
23 accounts under s. 20.370 (9) (jL) and (ju) to the authority on the day after the date
24 on which the state and the authority enter into the lease agreement specified in s.
25 237.06.

SENATE BILL 55**SECTION 3128**

1 **(2) TRANSFERS.** (a) The chairperson of the Fox River management commission
2 and the chairperson of the board of directors of the authority, acting jointly, shall
3 identify all of the following that will transfer from the commission to the authority:

4 1. Any assets and liabilities of the commission.

5 2. Any tangible personal property, including records, of the commission.

6 3. Any contracts entered into by the commission, and any policies and
7 procedures of the commission that will be in effect on the day after the date on which
8 the state and the authority enter into the lease agreement specified in s. 237.06.

9 (b) On the day after the date on which the state and the authority enter into
10 the lease agreement specified in s. 237.06, all of the assets, liabilities, and personal
11 property identified for transfer under par. (a) 1. and 2. shall become the assets,
12 liabilities, and personal property of the authority.

13 (c) On the day after the date on which the state and the authority enter into
14 the lease agreement specified in s. 237.06, all the contracts identified under par. (a)
15 3. shall remain in effect and the authority shall, beginning on that day, carry out any
16 such contractual obligations until modified or rescinded to the extent allowed under
17 the contract.

18 (d) On the day after the date on which the state and the authority enter into
19 the lease agreement specified in s. 237.06, all policies and procedures identified in
20 par. (a) 3. shall become policies and procedures of the authority and shall remain in
21 effect until their expiration date or until modified or rescinded by the authority.

22 (e) In case of disagreement with respect to any matter specified in pars. (a) to
23 (d), the secretary of administration shall determine the matter and shall develop a
24 plan for an orderly transfer of the item subject to the disagreement.

25 **SECTION 3129.** 252.12 (title) of the statutes is amended to read:

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1 **252.12** (title) ~~Services relating to acquired immunodeficiency~~
2 ~~syndrome~~ HIV and related infections, including hepatitis C virus
3 infections; services and prevention.

4 **SECTION 3130.** 252.12 (2) (a) (intro.) of the statutes is amended to read:

5 252.12 (2) (a) ~~Acquired immunodeficiency syndrome~~ HIV and related
6 infections, including hepatitis C virus infections; services. (intro.) From the
7 appropriations under s. 20.435 (1) (a) and (5) (am), the department shall distribute
8 funds for the provision of services to individuals with or at risk of contracting
9 ~~acquired immunodeficiency syndrome~~ HIV infection, as follows:

10 **SECTION 3131.** 252.12 (2) (a) 1. of the statutes is amended to read:

11 252.12 (2) (a) 1. ‘Partner referral and notification.’ The department shall
12 contact an individual known to have received an HIV infection and encourage him
13 or her to refer for counseling ~~and, HIV testing, and, if appropriate, testing for~~
14 hepatitis C virus infection any person with whom the individual has had sexual
15 relations or has shared intravenous equipment.

16 **SECTION 3132.** 252.12 (2) (a) 2. of the statutes is amended to read:

17 252.12 (2) (a) 2. ‘Grants to local projects.’ The department shall make grants
18 to applying organizations for the provision of ~~acquired immunodeficiency syndrome~~
19 HIV and related infection prevention information, the establishment of counseling
20 support groups and the provision of direct care to persons with ~~acquired~~
21 ~~immunodeficiency syndrome~~ HIV infection, including those persons with hepatitis
22 C virus infection.

23 **SECTION 3133.** 252.12 (2) (a) 3. (intro.) of the statutes is amended to read:

24 252.12 (2) (a) 3. ‘Statewide public education campaign.’ (intro.) The
25 department shall promote public awareness of the risk of contracting ~~acquired~~

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1 ~~immunodeficiency syndrome~~ HIV and related infections and measures for acquired
2 ~~immunodeficiency syndrome~~ HIV and related infections protection by development
3 and distribution of information through clinics providing family planning services,
4 as defined in s. 253.07 (1) (b), offices of physicians and clinics for sexually transmitted
5 diseases and by newsletters, public presentations or other releases of information to
6 newspapers, periodicals, radio and television stations and other public information
7 resources. The information ~~would~~ shall be targeted at individuals whose behavior
8 puts them at risk of contracting ~~acquired immunodeficiency syndrome~~ HIV and
9 related infections and ~~would~~ shall encompass the following topics:

10 **SECTION 3134.** 252.12 (2) (a) 3. a. of the statutes is amended to read:

11 252.12 (2) (a) 3. a. ~~Acquired immunodeficiency syndrome and~~ HIV infection
12 and related infections.

13 **SECTION 3135.** 252.12 (2) (a) 3. b. of the statutes is amended to read:

14 252.12 (2) (a) 3. b. Means of identifying whether or not individuals may be at
15 risk of contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

16 **SECTION 3136.** 252.12 (2) (a) 3. c. of the statutes is amended to read:

17 252.12 (2) (a) 3. c. Measures individuals may take to protect themselves from
18 contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

19 **SECTION 3137.** 252.12 (2) (a) 4. of the statutes is amended to read:

20 252.12 (2) (a) 4. 'Information network.' The department shall establish a
21 network to provide information to local health officers and other public officials who
22 are responsible for ~~acquired immunodeficiency syndrome~~ HIV infection and related
23 infection prevention and training.

24 **SECTION 3138.** 252.12 (2) (a) 5. of the statutes is amended to read:

SENATE BILL 55**SECTION 3138**

1 252.12 (2) (a) 5. 'HIV seroprevalence studies.' The department shall perform
2 tests for the presence of HIV, ~~antigen or nonantigenic products of HIV or an antibody~~
3 ~~to HIV~~ and, if appropriate, related infections and shall conduct behavioral surveys
4 among population groups determined by the department to be highly at risk of
5 becoming infected with or transmitting HIV and related infections. Information
6 obtained shall be used to develop targeted HIV infection and related infection
7 prevention efforts for these groups and to evaluate the state's prevention strategies.

8 **SECTION 3139.** 252.12 (2) (a) 6. of the statutes is amended to read:

9 252.12 (2) (a) 6. 'Grants for targeted populations and intervention services.'
10 The department shall make grants to those applying organizations ~~determined by~~
11 that the department to be determines are best able to contact individuals who are
12 determined to be highly at risk of contracting ~~acquired immunodeficiency syndrome~~
13 HIV for the provision of ~~acquired immunodeficiency syndrome~~ HIV and related
14 infection information and intervention services.

15 **SECTION 3140.** 252.12 (2) (a) 7. of the statutes is amended to read:

16 252.12 (2) (a) 7. 'Contracts for counseling and laboratory testing services.' The
17 department shall distribute funding in each fiscal year to contract with
18 organizations to provide, at alternate testing sites, anonymous or confidential
19 counseling services for HIV and laboratory testing services for the presence of HIV
20 and, if appropriate, related viruses.

21 **SECTION 3141.** 252.12 (2) (c) 2. of the statutes is amended to read:

22 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
23 department shall award \$75,000 in each fiscal year as grants for services to prevent
24 HIV infection and related infections, including hepatitis C virus infection. Criteria
25 for award of the grants shall include the criteria specified under subd. 1. The

SENATE BILL 55**SECTION 3141**

1 department shall award 60% of the funding to applying organizations that receive
2 funding under par. (a) 8. and 40% of the funding to applying community-based
3 organizations that are operated by minority group members, as defined in s. 560.036
4 (1) (f).

5 **SECTION 3142.** 252.12 (2) (c) 3. of the statutes is amended to read:

6 252.12 (2) (c) 3. From the appropriation under s. 20.435 (5) (am), the
7 department shall award to the African American AIDS task force of the Black Health
8 Coalition of Wisconsin, Inc., \$25,000 in each fiscal year as grants for services to
9 prevent HIV infection and related infections, including hepatitis C infection.

10 **SECTION 3143.** 253.13 (2) of the statutes is amended to read:

11 253.13 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;
12 FEES. The department shall contract with the state laboratory of hygiene to perform
13 the tests specified under this section and to furnish materials for use in the tests.
14 The department shall provide necessary diagnostic services, special dietary
15 treatment as prescribed by a physician for a patient with a congenital disorder as
16 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and
17 his or her family. The state laboratory of hygiene board, on behalf of the department,
18 shall impose a fee for tests performed under this section sufficient to pay for services
19 provided under the contract ~~and. The state laboratory of hygiene board shall include~~
20 ~~as part of this fee and pay to the department an amount~~ amounts the department
21 determines is are sufficient to fund the provision of diagnostic and counseling
22 services, special dietary treatment, and periodic evaluation of infant screening
23 programs, the costs of consulting with experts under sub. (5), and the costs of
24 administering the congenital disorder program under this section and shall credit
25 these amounts to the appropriations under s. 20.435 (1) (jb) and (5) (ja).

SENATE BILL 55**SECTION 3144**

1 **SECTION 3144.** 254.31 (10) of the statutes is amended to read:

2 254.31 (10) “Source material” means ~~any material except special nuclear~~
3 ~~material, which contains by weight 0.05 per cent or more of uranium, thorium, or any~~
4 ~~combination thereof~~ in any physical or chemical form, or ores that contain by weight
5 0.05% or more of uranium, thorium, or any combination thereof. “Source material”
6 does not include special nuclear material.

7 **SECTION 3145.** 254.34 (1) (a) of the statutes is amended to read:

8 254.34 (1) (a) Promulgate and enforce rules, including registration and
9 licensing of sources of ionizing radiation, as may be necessary to prohibit and prevent
10 unnecessary radiation exposure. The rules may incorporate by reference the
11 recommended standards of nationally recognized bodies in the field of radiation
12 protection and other fields of atomic energy, under the procedure established by s.
13 227.21 (2). The rules for by-product material, source material and special nuclear
14 material ~~may be no less stringent than~~ shall be in accordance with the requirements
15 of 42 USC 2021 (o) and shall otherwise be compatible with the requirements under
16 42 USC 2011 to 2114 and regulations adopted under 42 USC 2011 to 2114.

17 **SECTION 3146.** 254.34 (2) (c) of the statutes is created to read:

18 254.34 (2) (c) Develop requirements for qualification, certification, training,
19 and experience of an individual who does any of the following:

- 20 1. Operates radiation generating equipment.
- 21 2. Utilizes, stores, transfers, transports, or possesses radioactive materials.
- 22 3. Acts as a radiation safety consultant to any person who possesses a license
23 or registration issued by the department under this subchapter.

24 **SECTION 3147.** 254.34 (2) (d) of the statutes is created to read:

SENATE BILL 55**SECTION 3147**

1 254.34 (2) (d) Recognize certification by another state or by a nationally
2 recognized certifying organization of an individual to perform acts under par. (c) 1.
3 to 3. if the standards for the other state's certification or the organization's
4 certification are substantially equivalent to the standards of the department for
5 certification of individuals under par. (c).

6 **SECTION 3148.** 254.47 (1m) of the statutes is created to read:

7 254.47 (1m) The department or a local health department granted agent status
8 under s. 254.69 (2) may not, without a preinspection, grant a permit to a person
9 intending to operate a new public swimming pool, campground, or recreational or
10 educational camp or to a person intending to be the new operator of an existing public
11 swimming pool, campground, or recreational or educational camp.

12 **SECTION 3149.** 254.47 (2) of the statutes is amended to read:

13 254.47 (2) A separate permit is required for each campground, camping resort,
14 recreational ~~and~~ or educational camp and public swimming pool. No permit issued
15 under this section is transferable from one premises to another or from one person,
16 state or local government to another, except that the permit may be transferred from
17 an individual to an immediate family member, as defined in s. 254.64 (4) (a), if the
18 individual is transferring operation of the campground, camping resort, recreational
19 ~~and~~ or educational camp or public swimming pool to the immediate family member.

20 **SECTION 3150.** 254.47 (4) of the statutes is amended to read:

21 254.47 (4) Permits issued under this section expire on June 30, except that
22 permits initially issued during the period beginning on April 1 and ending on June
23 30 expire on June 30 of the following year. Except as provided in s. 254.69 (2) (d) and
24 (e), the department shall promulgate rules that establish, for permits issued under

SENATE BILL 55**SECTION 3150**

1 this section, amounts of permit fees, preinspection fees, reinspection fees, fees for
2 operating without a license, and late fees for untimely permit renewal.

3 **SECTION 3151.** 254.64 (1) (b) of the statutes is amended to read:

4 254.64 (1) (b) No person may maintain, manage or operate a bed and breakfast
5 establishment for more than 10 nights in a year without having first obtained a
6 ~~biennial~~ an annual permit from the department.

7 **SECTION 3152.** 254.64 (4) (b) of the statutes is amended to read:

8 254.64 (4) (b) Except as provided in ~~pars. (e) and~~ par. (d), no permit is
9 transferable from one premises to another or from one person to another.

10 **SECTION 3153.** 254.64 (4) (c) of the statutes is repealed.

11 **SECTION 3154.** 254.68 of the statutes is amended to read:

12 **254.68 Fees.** Except as provided in s. 254.69 (2) (d) and (e), the department
13 shall promulgate rules that establish, for permits issued under s. 254.64, permit fees,
14 preinspection fees and, reinspection fees, fees for operating without a permit, late
15 fees for untimely permit renewal, fees for comparable compliance or variance
16 requests, and fees for pre-permit review of restaurant plans.

17 **SECTION 3155.** 254.69 (2) (am) of the statutes is amended to read:

18 254.69 (2) (am) In the administration of this subchapter or s. 254.47, the
19 department may enter into a written agreement with a local health department with
20 a jurisdictional area that has a population greater than 5,000, which designates the
21 local health department as the department's agent in issuing permits to and making
22 investigations or inspections of hotels, restaurants, temporary restaurants, tourist
23 rooming houses, bed and breakfast establishments, campgrounds and camping
24 resorts, recreational and educational camps and public swimming pools. In a
25 jurisdictional area of a local health department without agent status, the

SENATE BILL 55**SECTION 3155**

1 department of health and family services may issue permits, collect permit fees
2 established by rule under s. 254.68 and make investigations or inspections of hotels,
3 restaurants, temporary restaurants, tourist rooming houses, bed and breakfast
4 establishments, campgrounds and camping resorts, recreational and educational
5 camps and public swimming pools. If the department designates a local health
6 department as its agent, the department or local health department may require no
7 permit for the same operations other than the permit issued by the local health
8 department under this subsection. The department shall coordinate the designation
9 of agents under this subsection with the department of agriculture, trade and
10 consumer protection to ensure that, to the extent feasible, the same local health
11 department is granted agent status under this subsection and under s. 97.41. Except
12 as otherwise provided by the department, a local health department granted agent
13 status shall regulate all types of establishments for which this subchapter permits
14 the department of health and family services to delegate regulatory authority.

15 **SECTION 3156.** 255.06 (2) (b) of the statutes is repealed.

16 **SECTION 3157.** 255.075 of the statutes is renumbered 255.075 (intro.) and
17 amended to read:

18 **255.075 Health screening for low-income women.** (intro.) From the
19 appropriation account under s. 20.435 (5) (cb), the department shall ~~on~~ do all of the
20 following:

21 (1) On a regional basis award funds, as determined by the department, to
22 applicants to provide health care screening, referral, follow-up and patient
23 education to low-income, underinsured and uninsured women. Award of a grant to
24 an applicant under this ~~section~~ subsection is conditioned upon receipt by the

SENATE BILL 55**SECTION 3157**

1 department of an agreement by the applicant to provide funds or in-kind services to
2 match 25% of the amount of a grant awarded.

3 **SECTION 3158.** 255.075 (2) of the statutes is created to read:

4 255.075 (2) Allocate and expend at least \$20,000 in each fiscal year to develop
5 and provide media announcements and educational materials to promote health
6 care screening services for women that are available under a grant awarded under
7 sub. (1) and to promote breast cancer screening services that are available under s.
8 255.06.

9 **SECTION 3159.** 255.10 (intro.) of the statutes is amended to read:

10 **255.10 Thomas T. Melvin youth tobacco prevention and education**
11 **program.** (intro.) From the appropriation under s. 20.435 (5) (dg) and from the
12 moneys distributed under s. 255.15 (3) (a) 2., the department shall administer the
13 Thomas T. Melvin youth tobacco prevention and education program, with the
14 primary purpose of reducing the use of cigarettes and tobacco products by minors.
15 The department shall award grants for the following purposes:

16 **SECTION 3160.** 255.15 (3) (a) 2. of the statutes is amended to read:

17 255.15 (3) (a) 2. The Thomas T. Melvin youth tobacco prevention and education
18 program under s. 255.10, \$1,000,000 \$1,500,000 in fiscal year 1999-2000 ~~and not~~
19 ~~less than \$1,000,000 in fiscal year 2000-01~~ 2001-02 and \$2,000,000 in each fiscal
20 year thereafter.

21 **SECTION 3161.** 281.17 (2) of the statutes is amended to read:

22 281.17 (2) The department shall supervise chemical treatment of waters for the
23 suppression of algae, aquatic weeds, swimmers' itch and other nuisance-producing
24 plants and organisms that are not regulated by the program established under s.
25 23.24 (2). It may purchase equipment and may make a charge for the use of the same

SENATE BILL 55**SECTION 3161**

1 and for materials furnished, together with a per diem charge for any services
2 performed in such work. The charge shall be sufficient to reimburse the department
3 for the use of the equipment, the actual cost of materials furnished, and the actual
4 cost of the services rendered.

5 **SECTION 3162.** 281.58 (8) (c) of the statutes is amended to read:

6 281.58 (8) (c) Except as provided in par. (k), financial assistance may be
7 provided for the design, planning, and construction of a collection system,
8 interceptor, or individual system project in an unsewered municipality or an
9 unsewered area of a municipality, only if the department finds that at least
10 two-thirds of the initial flow will be for wastewater originating from residences in
11 existence on ~~October 17, 1972~~ the date that is 10 years before the day on which the
12 department approves the facility plan under sub. (8s) for the project.

13 **SECTION 3163.** 281.58 (9) (e) of the statutes is amended to read:

14 281.58 (9) (e) If the governor's recommendation, as set forth in the executive
15 budget bill, for the amount under s. 281.59 (3e) (b), the amount available under s.
16 20.866 (2) (tc), or the amount available under s. 281.59 (4) (f) for a biennium is ~~85%~~
17 75% or less of the amount of present value subsidy, general obligation bonding
18 authority, or revenue bonding authority, respectively, requested for that biennium
19 in the biennial finance plan submitted under s. 281.59 (3) (bm) 1., the department
20 shall inform municipalities that, if the governor's recommendations are approved,
21 clean water fund program assistance during a fiscal year of that biennium will only
22 be available to municipalities that submit financial assistance applications by the
23 June 30 preceding that fiscal year.

24 **SECTION 3164.** 281.58 (9m) (f) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 3164**

1 281.58 **(9m)** (f) (intro.) If the amount approved under s. 281.59 (3e) (b), the
2 amount available under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4)
3 (f) for a biennium is ~~85%~~ 75% or less of the amount of present value subsidy, general
4 obligation bonding authority, or revenue bonding authority, respectively, requested
5 for that biennium in the biennial finance plan submitted under s. 281.59 (3) (bm) 1.,
6 all of the following apply:

7 **SECTION 3165.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

8 281.59 **(3e)** (b) 1. Equal to ~~\$85,200,000~~ \$90,000,000 during the ~~1999-01~~
9 2001-03 biennium.

10 3. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

11 **SECTION 3166.** 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

12 281.59 **(3m)** (b) 1. Equal to ~~\$9,400,000~~ \$9,110,000 during the ~~1999-01~~ 2001-03
13 biennium.

14 2. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

15 **SECTION 3167.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

16 281.59 **(3s)** (b) 1. Equal to ~~\$12,600,000~~ \$10,900,000 during the ~~1999-01~~
17 2001-03 biennium.

18 2. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

19 **SECTION 3168.** 281.59 (4) (f) of the statutes is amended to read:

20 281.59 **(4)** (f) Revenue obligations may be contracted by the building
21 commission when it reasonably appears to the building commission that all
22 obligations incurred under this subsection can be fully paid on a timely basis from
23 moneys received or anticipated to be received. Revenue obligations issued under this
24 subsection for the clean water fund program shall not exceed ~~\$1,297,755,000~~

SENATE BILL 55**SECTION 3168**

1 \$1,389,755,000 in principal amount, excluding obligations issued to refund
2 outstanding revenue obligation notes.

3 **SECTION 3169.** 281.61 (3) (b) of the statutes is repealed.

4 **SECTION 3170.** 281.61 (3) (c) of the statutes is amended to read:

5 281.61 (3) (c) The department may waive par. (a) ~~or (b)~~ upon the written request
6 of a local governmental unit.

7 **SECTION 3171.** 281.65 (4) (f) of the statutes is amended to read:

8 281.65 (4) (f) Administer the distribution of grants and aids to governmental
9 units for local administration and implementation of the program under this section.
10 A grant awarded under this section may be used for cost-sharing for management
11 practices and capital improvements, easements, or other activities determined by
12 the department to satisfy the requirements of this section. A grant under this section
13 to a lake district for a priority lake identified under sub. (3m) (b) 1. may be used for
14 plan preparation, technical assistance, educational and training assistance, and
15 ordinance development and administration. A grant may not be used for
16 promotional items, except for promotional items that are used for informational
17 purposes, such as brochures or videos.

18 **SECTION 3172.** 281.65 (4c) (am) 1. a. of the statutes is amended to read:

19 281.65 (4c) (am) 1. a. The need for compliance with performance standards
20 established by the department under s. 281.16 (2) and (3).

21 **SECTION 3173.** 281.65 (4c) (am) 2. of the statutes is amended to read:

22 281.65 (4c) (am) 2. ~~The project cannot be conducted with~~ department, in
23 consultation with the department of agriculture, trade and consumer protection,
24 determines that funding provided under s. 92.14 is insufficient to fund the project.

25 **SECTION 3174.** 281.65 (4g) of the statutes is amended to read:

SENATE BILL 55**SECTION 3174**

1 281.65 (4g) The department may contract with any person from the
2 appropriation account under s. 20.370 (4) ~~(at)~~ (ac) for services to administer or
3 implement this section, including information and education and training services.
4 The department shall allocate \$500,000 in each fiscal year from the appropriation
5 account under s. 20.370 (4) ~~(at)~~ (ac) for contracts for educational and technical
6 assistance related to the program under this section provided by the University of
7 Wisconsin-Extension.

8 **SECTION 3175.** 281.65 (5m) of the statutes is amended to read:

9 281.65 (5m) Upon completion of plans by the department under sub. (4) (g), the
10 governmental unit or regional planning commission under sub. (4m) and the
11 department of agriculture, trade and consumer protection under sub. (5), ~~and upon~~
12 ~~receiving the approval of the land and water conservation board,~~ the department
13 shall prepare ~~and approve~~ the final plan for a priority watershed or priority lake
14 project. The department shall submit the final plan to the land and water
15 conservation board for approval and may not implement the plan without that
16 approval.

17 **SECTION 3176.** 281.65 (5q) of the statutes is created to read:

18 281.65 (5q) Notwithstanding sub. (5s), neither the department nor the land
19 and water conservation board may extend funding under this section for a priority
20 watershed or priority lake project beyond the following date:

21 (a) If a funding termination date was established for the priority watershed or
22 priority lake project before January 1, 2001, that funding termination date.

23 (b) If a funding termination date was not established for the priority watershed
24 or priority lake project before January 1, 2001, the funding termination date first
25 established after December 31, 2000.

SENATE BILL 55**SECTION 3177**

1 **SECTION 3177.** 281.68 (1) (ac) of the statutes is created to read:

2 281.68 (1) (ac) “Aquatic nuisance species” has the meaning given in s. 30.1255
3 (1).

4 **SECTION 3178.** 281.68 (1) (ar) of the statutes is created to read:

5 281.68 (1) (ar) “Paid membership” means members of a premier lake
6 association that are current in the payment of their annual membership fees.

7 **SECTION 3179.** 281.68 (1) (au) of the statutes is created to read:

8 281.68 (1) (au) “Premier lake association” is an association that meets the
9 qualifications under sub. (3m) (d).

10 **SECTION 3180.** 281.68 (1) (b) (intro.) of the statutes is renumbered 281.68 (1)
11 (b) and amended to read:

12 281.68 (1) (b) “Qualified lake association” means ~~a group incorporated under~~
13 ~~ch. 181 that meets all of the following conditions:~~ an association that meets the
14 qualifications under sub. (3m) (a).

15 **SECTION 3181.** 281.68 (1) (b) 1. of the statutes is renumbered 281.68 (3m) (a)
16 2. and amended to read:

17 281.68 (3m) (a) 2. ~~Specifies~~ Specify in its articles of incorporation or bylaws
18 that a substantial purpose of its being incorporated is to support the protection or
19 improvement of one or more inland lakes for the benefit of the general public.

20 **SECTION 3182.** 281.68 (1) (b) 2. of the statutes is renumbered 281.68 (3m) (a)
21 3. and amended to read:

22 281.68 (3m) (a) 3. ~~Demonstrates~~ Demonstrate that the substantial purpose of
23 its past actions was to support the protection or improvement of one or more inland
24 lakes for the benefit of the general public.

SENATE BILL 55**SECTION 3183**

1 **SECTION 3183.** 281.68 (1) (b) 3. of the statutes is renumbered 281.68 (3m) (a)
2 4. and amended to read:

3 281.68 (3m) (a) 4. ~~Allows~~ Allow to be a member any individual who for at least
4 one month each year resides on or within one mile of an inland lake for which the
5 association was incorporated.

6 **SECTION 3184.** 281.68 (1) (b) 4. of the statutes is renumbered 281.68 (3m) (a)
7 5. and amended to read:

8 281.68 (3m) (a) 5. ~~Allows~~ Allow to be a member any individual who owns real
9 estate on or within one mile of an inland lake for which the association was
10 incorporated.

11 **SECTION 3185.** 281.68 (1) (b) 5. of the statutes is renumbered 281.68 (3m) (a)
12 6. and amended to read:

13 281.68 (3m) (a) 6. ~~Does not~~ Not have articles of incorporation or bylaws which
14 limit or deny the right of any member or any class of members to vote as permitted
15 under s. 181.0721 (1).

16 **SECTION 3186.** 281.68 (1) (b) 6. of the statutes is renumbered 281.68 (3m) (a)
17 7. and amended to read:

18 281.68 (3m) (a) 7. ~~Has been~~ Demonstrate that it has been in existence for at
19 least one year.

20 **SECTION 3187.** 281.68 (1) (b) 7. of the statutes is renumbered 281.68 (3m) (a)
21 8. and amended to read:

22 281.68 (3m) (a) 8. ~~Has~~ Demonstrate that it has at least 25 members.

23 **SECTION 3188.** 281.68 (1) (b) 8. of the statutes is renumbered 281.68 (3m) (a)
24 9. and amended to read:

SENATE BILL 55**SECTION 3188**

1 281.68 **(3m)** (a) 9. ~~Requires~~ Require payment of an annual membership fee of
2 not less than \$10 nor more than \$25 as set by the department by rule under par. (b).

3 **SECTION 3189.** 281.68 (1) (c) of the statutes is created to read:

4 281.68 **(1)** (c) “Qualified school district” is a school district that meets the
5 qualifications under sub. (3m) (c).

6 **SECTION 3190.** 281.68 (2) of the statutes is renumbered 281.68 (2) (a) and
7 amended to read:

8 281.68 **(2)** (a) AMOUNT OF GRANTS. The department may provide a grant of 75%
9 of the cost of a lake management planning project ~~up to a total of \$10,000 per grant.~~
10 Each grant may not exceed \$10,000, except as provided in par. (b).

11 **SECTION 3191.** 281.68 (2) (b) of the statutes is created to read:

12 281.68 **(2)** (b) A grant made to a premier lake association under par. (a) may
13 not exceed \$25,000.

14 **SECTION 3192.** 281.68 (3) (a) of the statutes is amended to read:

15 281.68 **(3)** (a) Eligible recipients to consist of nonprofit conservation
16 organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified
17 lake associations, premier lake associations, town sanitary districts, qualified school
18 districts, public inland lake protection and rehabilitation districts, and other local
19 governmental units, as defined in s. 66.0131 (1) (a), that are established for the
20 purpose of lake management.

21 **SECTION 3193.** 281.68 (3) (b) 6. of the statutes is created to read:

22 281.68 **(3)** (b) 6. Providing programs and materials that promote the
23 monitoring of private sewage systems, the reduction in the use of environmentally
24 harmful chemicals, water safety, and the protection of natural lake ecosystems.

SENATE BILL 55**SECTION 3194**

1 **SECTION 3194.** 281.68 (3m) (title) and (a) (intro.) of the statutes are created to
2 read:

3 281.68 **(3m)** (title) **QUALIFIED ENTITIES.** (a) (intro.) To be a qualified lake
4 association, an association shall do all of the following:

5 **SECTION 3195.** 281.68 (3m) (a) 1. of the statutes is created to read:

6 281.68 **(3m)** (a) 1. Demonstrate that it is incorporated under ch. 181.

7 **SECTION 3196.** 281.68 (3m) (b) of the statutes is created to read:

8 281.68 **(3m)** (b) For purposes of par. (a) 9., the department shall set by rule the
9 maximum amount and the minimum amount that may be charged as an annual
10 membership fee.

11 **SECTION 3197.** 281.68 (3m) (c) of the statutes is created to read:

12 281.68 **(3m)** (c) To be a qualified school district, the board of the school district
13 shall adopt a resolution to conduct a lake management planning project that will do
14 all of the following:

15 1. Provide information or education on the use of lakes or natural lake
16 ecosystems, on the quality of water in lakes, or on the quality of natural lake
17 ecosystems.

18 2. Allow another eligible recipient of grants under this section to cooperate with
19 the school district in the project.

20 **SECTION 3198.** 281.68 (3m) (d) of the statutes is created to read:

21 281.68 **(3m)** (d) To be a premier lake association, an association shall do all of
22 the following:

23 1. Meet the qualifications for a qualified lake association under par. (a).

SENATE BILL 55**SECTION 3198**

- 1 2. Demonstrate at the time of application for a grant under this section or s.
2 281.69 that it has a paid membership that is at least equal to 50% of the allowable
3 combined membership under par. (a) 4. and 5.
- 4 3. Hold at least 2 regularly scheduled meetings of its members each year.
- 5 4. Distribute at least one annual newsletter published by the association.
- 6 5. Promote annual monitoring of private sewage systems and encourage real
7 estate owners who are allowed to be members of the association under par. (a) 5. to
8 upgrade failing systems.
- 9 6. Promote the use of phosphate-free or other environmentally safe soaps and
10 detergent products by the residents and real estate owners who are allowed to be
11 members of the association under par. (a) 4. and 5.
- 12 7. Promote water safety and the protection of the natural fish population in and
13 wildlife population near each inland lake for which the association was incorporated.
- 14 8. Cooperate with any local, state, or federal programs that provide support for
15 the protection or improvement of any of the inland lakes for which the association
16 was incorporated.
- 17 9. Actively raise funds for all of the following:
 - 18 a. Signs at public access sites on each inland lake for which the association was
19 incorporated that provide information on aquatic nuisance species.
 - 20 b. Washing stations to wash boats, boat trailers, and boating equipment.
 - 21 c. In-kind contributions to assist any efforts of the department to control
22 aquatic nuisance species in each inland lake for which the association was
23 incorporated.

SENATE BILL 55**SECTION 3198**

1 d. Manuals for real estate owners and residents who are members of the
2 association that address the issue of owner and resident responsibility for managing
3 the resources of each inland lake for which the association was incorporated.

4 e. Surveys, on a regular basis, that monitor the water quality in each inland
5 lake for which the association was incorporated.

6 **SECTION 3199.** 281.69 (1b) of the statutes is renumbered 281.69 (1b) (intro.)
7 and amended to read:

8 281.69 (1b) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, “lake”;

9 (ag) “Lake” includes a flowage.

10 **SECTION 3200.** 281.69 (1b) (b) of the statutes is created to read:

11 281.69 (1b) (b) “Premier lake association” is an association that meets the
12 qualifications under s. 281.68 (3m) (d).

13 **SECTION 3201.** 281.69 (1b) (c) of the statutes is created to read:

14 281.69 (1b) (c) “Qualified lake association” is an association that meets the
15 qualifications under s. 281.68 (3m) (a).

16 **SECTION 3202.** 281.69 (1b) (d) of the statutes is created to read:

17 281.69 (1b) (d) “Wetland” has the meaning given in s. 23.32 (1).

18 **SECTION 3203.** 281.69 (3) (a) of the statutes is amended to read:

19 281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit
20 conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,
21 villages, qualified lake associations, ~~as defined in s. 281.68 (1) (b),~~ premier lake
22 associations, town sanitary districts, public inland lake protection and
23 rehabilitation districts, and other local governmental units, as defined in s. 66.0131
24 (1) (a), that are established for the purpose of lake management.

25 **SECTION 3204.** 281.69 (3) (am) of the statutes is created to read:

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1 281.69 (3) (am) That the department in providing grants for lake management
2 projects give higher priority to premier lake associations over the other eligible
3 recipients.

4 **SECTION 3205.** 281.69 (3) (b) 2. of the statutes is amended to read:

5 281.69 (3) (b) 2. The restoration of a wetland, ~~as defined in s. 23.32 (1)~~, if the
6 restoration will protect or improve a lake's water quality or its natural ecosystem.

7 **SECTION 3206.** 281.69 (3) (b) 2m. of the statutes is created to read:

8 281.69 (3) (b) 2m. The restoration of habitat in a littoral area of a lake or along
9 its shoreline if the restoration will protect or improve the lake's water quality or its
10 natural ecosystem.

11 **SECTION 3207.** 281.69 (4m) of the statutes is created to read:

12 281.69 (4m) SIGNS FOR PREMIER LAKES. The department may expend up to
13 \$5,000 in each fiscal year from the appropriation under s. 20.370 (6) (ar) for the
14 design and manufacture of signs, to be provided to premier lake associations, that
15 identify the lakes for which the premier lake associations were incorporated.

16 **SECTION 3208.** 281.75 (4) (b) 3. of the statutes is amended to read:

17 281.75 (4) (b) 3. An authority created under ch. 231, 233 ~~or~~, 234, or 237.

18 **SECTION 3209.** 283.15 (5) (b) of the statutes is amended to read:

19 283.15 (5) (b) A variance applies for the term established by the secretary, but
20 not to exceed ~~3~~ 5 years. The term of the initial variance and any renewals thereof
21 may not exceed the time that the secretary determines is necessary to achieve the
22 water quality based effluent limitation. Initial and interim effluent limitations
23 established under par. (c) 1. apply, as appropriate, for the term of the underlying
24 permit as issued, reissued or modified to implement the decision under sub. (4) (b)
25 or as extended by operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s. 227.51

SENATE BILL 55**SECTION 3209**

1 (2) shall apply for the purposes of continuing the provisions of a permit pending the
2 issuance or reissuance of a permit. Upon the issuance or reissuance of the new
3 permit, sub. (2) (a) 2. and s. 283.63 (1) (am) apply.

4 **SECTION 3210.** 283.15 (6) of the statutes is amended to read:

5 283.15 (6) RENEWAL. A variance may be renewed using the procedures in and
6 subject to subs. (2) to (5), except that a permittee shall submit the application for
7 renewal of its variance with the application for reissuance of its permit. A variance
8 may not be renewed if the permittee did not submit the reports required under sub.
9 (5) (c) 2. or substantially comply with all other conditions of the variance.

10 **SECTION 3211.** 283.33 (1) (b) of the statutes is amended to read:

11 283.33 (1) (b) A discharge of storm water from a municipal separate storm
12 sewer system serving an incorporated area with a population of 100,000 or more, as
13 determined by the 1990 federal census.

14 **SECTION 3212.** 283.33 (1) (c) of the statutes is created to read:

15 283.33 (1) (c) A discharge of storm water from a municipal separate storm
16 sewer system serving an area located in an urbanized area, as determined by the U.S.
17 bureau of the census based on the latest decennial federal census.

18 **SECTION 3213.** 283.33 (1) (cg) of the statutes is created to read:

19 283.33 (1) (cg) A discharge of storm water from a municipal separate storm
20 sewer system serving an area with a population of 10,000 or more and a population
21 density of 1,000 or more per square mile, if the system is designated by the
22 department to be regulated under this section based on an evaluation of whether the
23 storm water discharge results in, or has the potential to result in, water quality
24 standards being exceeded, including impairment of designated uses, or in other
25 significant water quality impacts, including habitat and biological impacts.

SENATE BILL 55**SECTION 3214**

1 **SECTION 3214.** 283.33 (1) (cr) of the statutes is created to read:

2 283.33 (1) (cr) A discharge of storm water from a municipal separate storm
3 sewer system that is designated by the department to be regulated under this section
4 because the system contributes substantially to the pollutant loadings of a physically
5 interconnected municipal separate storm sewer system that is regulated under this
6 section.

7 **SECTION 3215.** 283.33 (1) (d) of the statutes is amended to read:

8 283.33 (1) (d) A discharge of storm water from a facility or activity, other than
9 a facility or activity under ~~par. pars. (a) or (b)~~ to (cr), if the department determines
10 that the discharge either contributes to a violation of a water quality standard or is
11 a significant contributor of pollutants to the waters of the state.

12 **SECTION 3216.** 283.33 (4) (a) (intro.) of the statutes is amended to read:

13 283.33 (4) (a) (intro.) In addition to obtaining a permit under this section, the
14 owner or operator of an industrial activity described in sub. (1) (a) that discharges
15 storm water through a municipal separate storm sewer system described in sub. (1)
16 (b) to (cr) shall submit the following information to the owner or operator of the
17 municipal separate storm sewer system:

18 **SECTION 3217.** 283.33 (8) of the statutes is amended to read:

19 283.33 (8) **RULE MAKING.** The department shall promulgate rules ~~containing~~
20 ~~criteria for identifying storm water discharges for which permits are required under~~
21 ~~sub. (1) for the administration of this section.~~ The department may not require a
22 permit under this section for diffused surface drainage or agricultural storm water
23 discharges.

24 **SECTION 3218.** 283.84 (1) (c) of the statutes is amended to read:

SENATE BILL 55**SECTION 3218**

1 283.84 (1) (c) Reaches an agreement with the department or a local
2 governmental unit, as defined in s. ~~16.97~~ 22.01 (7), under which the person pays
3 money to the department or local governmental unit and the department or local
4 governmental unit uses the money to reduce water pollution in the project area.

5 **SECTION 3219.** 283.89 (2m) of the statutes is amended to read:

6 283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which
7 a person is subject to a forfeiture under s. 283.91 (2), the department ~~shall~~ may issue
8 a citation and, if the department does issue a citation, the procedures in ss. 23.50 to
9 23.99 apply.

10 **SECTION 3220.** 285.59 (1) (b) of the statutes is amended to read:

11 285.59 (1) (b) “State agency” means any office, department, agency, institution
12 of higher education, association, society or other body in state government created
13 or authorized to be created by the constitution or any law which is entitled to expend
14 moneys appropriated by law, including the legislature and the courts, the Wisconsin
15 Housing and Economic Development Authority, the Bradley Center Sports and
16 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
17 Authority, the Fox River Navigational System Authority, and the Wisconsin Health
18 and Educational Facilities Authority.

19 **SECTION 3221.** 285.60 (2m) of the statutes is created to read:

20 285.60 (2m) GENERAL CONSTRUCTION PERMITS. The department may, by rule,
21 specify types of stationary sources that may obtain general construction permits. A
22 general construction permit may cover numerous similar stationary sources. A
23 general construction permit shall require any stationary source that is covered by
24 the general construction permit to comply with ss. 285.61 to 285.69. The department

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1 shall issue a general construction permit using the procedures and criteria in ss.
2 285.61, 285.63, 285.65, 285.66, and 285.69.

3 **SECTION 3222.** 285.69 (2) (a) 8. of the statutes is amended to read:

4 285.69 (2) (a) 8. That the fee billed for each stationary source in each year after
5 2001 is based on the actual emissions of all regulated pollutants, and any other air
6 contaminant specified by the department in the rules, in the preceding 5 years, using
7 a 5-year rolling average year.

8 **SECTION 3223.** 287.23 (4) (intro.) of the statutes is renumbered 287.23 (4) and
9 amended to read:

10 287.23 (4) APPLICATION. A responsible unit that seeks assistance under the
11 program shall submit an application to the department on forms provided by the
12 department. To qualify for a full grant, the responsible unit must submit the
13 application no later than October 1 in the year preceding the year for which the
14 assistance is sought. For the purpose of this subsection and sub. (5p), if an
15 application is postmarked, it is considered to be submitted on the date that it is
16 postmarked. ~~An application shall include all of the following:~~

17 **SECTION 3224.** 287.23 (4) (a) to (e) of the statutes are repealed.

18 **SECTION 3225.** 287.23 (5) (c) 2. of the statutes is amended to read:

19 287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other
20 responsible units, the amount of the grant for 1993 through 2000 1999 equals either
21 66% of the difference between eligible expenses and avoided disposal costs or \$8
22 times the population of the responsible unit, whichever is less.

23 **SECTION 3226.** 287.23 (5m) of the statutes is amended to read:

SENATE BILL 55**SECTION 3226**

1 287.23 **(5m)** ALTERNATE PROCESS. The department shall establish, by rule, a
2 process for distributing grants if the amount that would be awarded under sub. (5)
3 or (5e) exceeds the amount of funds available under ~~s. 20.370 (6) (bq)~~.

4 **SECTION 3227.** 287.24 of the statutes is created to read:

5 **287.24 Regional recycling program grants.** (1) Subject to sub. (2), from
6 the appropriation under s. 20.370 (6) (bt), the department shall provide grants to
7 groups of local governmental units, on a competitive basis, to assist those groups to
8 establish regional recycling programs. The department shall select recipients based
9 on the potential for reducing the costs of operating local recycling programs.

10 (2) The amount of a grant under this section may not exceed twice the amount
11 contributed by the grant recipients. No group of local governmental units may
12 receive more than one grant under this section.

13 (3) A grant under this section may be used for planning, acquiring a regional
14 recycling processing facility and equipment for such a facility, and developing a
15 regional collection system.

16 (4) The department shall promulgate rules for the administration of the grant
17 program under this section.

18 **SECTION 3228.** 289.43 (8) (b) 4. of the statutes is created to read:

19 289.43 **(8)** (b) 4. Authorize use of the solid waste in public works projects.

20 **SECTION 3229.** 292.11 (9) (e) 1m. f. of the statutes is amended to read:

21 292.11 **(9)** (e) 1m. f. The local governmental unit acquired the property using
22 funds appropriated under s. 20.866 (2) (ta) or (tz).

23 **SECTION 3230.** 292.13 (1m) (intro.) of the statutes is amended to read:

24 292.13 **(1m)** EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A
25 person is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence

SENATE BILL 55**SECTION 3230**

1 of a hazardous substance in the soil, including sediments, on property possessed or
2 controlled by the person if all of the following apply:

3 **SECTION 3231.** 292.15 (2) (a) 4. of the statutes is amended to read:

4 292.15 (2) (a) 4. ~~The~~ If the voluntary party owns or controls the property, the
5 voluntary party maintains and monitors the property as required under rules
6 promulgated by the department and any contract entered into under those rules.

7 **SECTION 3232.** 292.15 (2) (ae) 4. of the statutes is amended to read:

8 292.15 (2) (ae) 4. ~~The~~ If the voluntary party owns or controls the property, the
9 voluntary party maintains and monitors the property as required under rules
10 promulgated by the department and any contract entered into under those rules.

11 **SECTION 3233.** 292.15 (2) (ae) 7. of the statutes is created to read:

12 292.15 (2) (ae) 7. If the voluntary party owns the property, the voluntary party
13 allows the department, any authorized representative of the department, a
14 representative of a company that has issued insurance required under subd. 3m.,
15 any party that possessed or controlled the hazardous substance or caused the
16 discharge of the hazardous substance, and any consultant or contractor of any of
17 those persons to enter the property to determine whether natural attenuation has
18 failed and to take action to respond to the discharge if natural attenuation has failed.

19 **SECTION 3234.** 292.15 (2) (ag) of the statutes is amended to read:

20 292.15 (2) (ag) *Property affected by off-site discharge.* (intro.) Except as
21 provided in sub. (6) or (7), for a property on which there exists a hazardous substance
22 for which a voluntary party is exempt from liability under s. 292.13 (1) or (1m), a
23 voluntary party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42
24 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and
25 292.31 (8), and rules promulgated under those provisions, with respect to discharges

SENATE BILL 55**SECTION 3234**

1 of hazardous substances on or originating from the property, if the release of those
2 hazardous substances occurred prior to the date on which the department approves
3 the environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4.
4 to 6. apply and all of the following occur at any time before or after the date of
5 acquisition:

6 1. The environment is restored to the extent practicable with respect to the
7 discharges and the harmful effects from the discharges are minimized in accordance
8 with rules promulgated by the department and any contract entered into under those
9 rules, except that this requirement does not apply with respect to the hazardous
10 substance for which the voluntary party is exempt from liability under s. 292.13 (1)
11 or (1m).

12 2. The voluntary party obtains a certificate of completion from the department
13 stating that the environment has been satisfactorily restored to the extent
14 practicable with respect to the discharges and that the harmful effects from the
15 discharges have been minimized, except with respect to the hazardous substance for
16 which the voluntary party is exempt from liability under s. 292.13 (1) or (1m).

17 3. The voluntary party obtains a written determination from the department
18 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary
19 party is exempt from liability under s 292.13 (1) or (1m).

20 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
21 (d) to (g) or (1m) (d) to (g).

22 **SECTION 3235.** 292.15 (2) (at) of the statutes is repealed.

23 **SECTION 3236.** 292.15 (2) (b) 4. of the statutes is created to read:

24 292.15 (2) (b) 4. If the voluntary party does not own or control the property, the
25 person who owns or controls the property fails to maintain and monitor the property

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1 as required under rules promulgated by the department or any contract entered into
2 under those rules.

3 **SECTION 3237.** 292.15 (2) (b) 5. of the statutes is created to read:

4 292.15 (2) (b) 5. If the voluntary party does not own or control the property, the
5 person who owns or controls the property fails to allow the department, any
6 authorized representative of the department, any representative of a company that
7 has issued insurance required under par. (ae) 3m., any party that possessed or
8 controlled the hazardous substance or caused the discharge of the hazardous
9 substance, or any consultant or contractor of any of those persons to enter the
10 property to determine whether natural attenuation has failed and to take action to
11 respond to the discharge if natural attenuation has failed.

12 **SECTION 3238.** 292.15 (2) (c) of the statutes is amended to read:

13 292.15 (2) (c) *Prohibition on action.* The department of justice may not
14 commence an action under 42 USC 9607 against any voluntary party meeting the
15 criteria of this subsection to recover costs for which the voluntary party is exempt
16 under pars. (a), (ae), (ag), (am), ~~(at)~~ and (b).

17 **SECTION 3239.** 292.15 (2) (e) of the statutes is amended to read:

18 292.15 (2) (e) *Contract with insurer.* If the department requires insurance
19 under par. (ae) 3m. ~~or (at) 3.~~, the department may contract with an insurer to provide
20 insurance required under par. (ae) 3m. ~~or (at) 3.~~ and may require voluntary parties
21 to obtain coverage under the contract.

22 **SECTION 3240.** 292.15 (3) of the statutes is amended to read:

23 292.15 (3) **SUCCESSORS AND ASSIGNS.** An exemption provided in sub. (2) applies
24 to any successor or assignee of the voluntary party if the successor or assignee
25 complies with the provisions of sub. (2) (a) 4. and 5. or (ae) 3m., 4. ~~and~~ 5., and 7. and,

SENATE BILL 55**SECTION 3240**

1 if applicable, sub. (2) (ag) 4. or (am) as though the successor or assignee were the
2 voluntary party except that the exemption in sub. (2) does not apply if the successor
3 or assignee knows that a certificate under sub. (2) (a) 3., (ae) 3., (ag)2. or (am) was
4 obtained by any of the means or under any of the circumstances specified in sub. (2)
5 (a) 6.

6 **SECTION 3241.** 292.15 (6) (a) of the statutes is renumbered 292.15 (6).

7 **SECTION 3242.** 292.15 (6) (b) of the statutes is repealed.

8 **SECTION 3243.** 292.21 (1) (c) 2. g. of the statutes is amended to read:

9 292.21 (1) (c) 2. g. A review to determine if the real property is listed in any of
10 the written compilations of sites or facilities considered to pose a threat to human
11 health or the environment, including the national priorities list under 42 USC 9605
12 (a) (8) (B); the federal environmental protection agency's information system for the
13 comprehensive environmental response, compensation and liability act, 42 USC
14 9601 to 9675, (CERCLIS); and the department's most recent Wisconsin remedial
15 response site evaluation report, including the inventory list or database of sites or
16 facilities ~~which may cause or threaten to cause environmental pollution that are~~
17 environmentally contaminated required by s. 292.31 (1) (a); ~~and the department's~~
18 ~~registry of abandoned landfills.~~

19 **SECTION 3244.** 292.23 of the statutes is created to read:

20 **292.23 Responsibility of local governmental units; solid waste. (1)**
21 DEFINITION. In this section, "local governmental unit" means a municipality, a
22 redevelopment authority created under s. 66.1333, a public body designated by a
23 municipality under s. 66.1337 (4), a community development authority, or a housing
24 authority.

SENATE BILL 55**SECTION 3244**

1 **(2) EXEMPTION FROM LIABILITY.** Except as provided in sub. (3), a local
2 governmental unit is exempt from s. 289.05, and rules promulgated under that
3 section, with respect to property acquired by the local governmental unit before, on,
4 or after the effective date of this subsection [revisor inserts date], if any of the
5 following applies:

6 (a) The local governmental unit acquired the property through tax delinquency
7 proceedings or as the result of an order by a bankruptcy court.

8 (b) The local governmental unit acquired the property from a local
9 governmental unit that is exempt under this subsection with respect to the property.

10 (c) The local governmental unit acquired the property through a condemnation
11 or other proceeding under ch. 32.

12 (d) The local governmental unit acquired the property for the purpose of slum
13 clearance or blight elimination.

14 (e) The local governmental unit acquired the property through escheat.

15 (f) The local governmental unit acquired the property using funds appropriated
16 under s. 20.866 (2) (ta) or (tz).

17 **(3) EXCEPTIONS.** (a) Subsection (2) does not apply with respect to a discharge
18 of a hazardous substance caused by any of the following:

19 1. An action taken by the local governmental unit.

20 2. A failure of the local governmental unit to take appropriate action to restrict
21 access to the property in order to minimize costs or damages that may result from
22 unauthorized persons entering the property.

23 3. A failure of the local governmental unit to sample and analyze unidentified
24 substances in containers stored aboveground on the property.

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1 4. A failure of the local governmental unit to remove and properly dispose of,
2 or to place in a different container and properly store, any hazardous substance
3 stored aboveground on the property in a container that is leaking or is likely to leak.

4 (b) Subsection (2) does not apply if, after considering the intended development
5 and use of the property, the department determines that action is necessary to reduce
6 to acceptable levels any substantial threat to public health or safety when the
7 property is developed or put to that intended use, the department directs the local
8 governmental unit to take that necessary action, and the local governmental unit
9 does not take that action as directed.

10 (c) Subsection (2) only applies if the local governmental unit agrees to allow the
11 department, any authorized representatives of the department, any party that
12 possessed or controlled a hazardous substance that was discharged or caused the
13 discharge of a hazardous substance, and any consultant or contractor of such a party
14 to enter the property to take action to respond to the discharge.

15 (d) Subsection (2) does not apply to property described in sub. (2) (f) unless the
16 local governmental unit enters into an agreement with the department to ensure
17 that the conditions in pars. (a) and (b) are satisfied.

18 (e) Subsection (2) does not apply to any solid waste facility, as defined in s.
19 289.01 (35), that was operated by the local governmental unit or was owned by the
20 local governmental unit while it was operated, to a municipal waste landfill, as
21 defined in s. 289.01 (22), or to an approved facility.

22 **SECTION 3245.** 292.31 (1) (title) of the statutes is amended to read:

23 292.31 (1) (title) ~~INVENTORY LIST OR DATABASE; ANALYSIS; HAZARD RANKING.~~

24 **SECTION 3246.** 292.31 (1) (a) (title) of the statutes is repealed and recreated to
25 read:

SENATE BILL 55**SECTION 3246**

1 292.31 (1) (a) (title) *List or database.*

2 **SECTION 3247.** 292.31 (1) (a) 1. of the statutes is repealed and recreated to read:

3 292.31 (1) (a) 1. The department shall compile and make available a list or
4 database of all known sites or facilities in this state that are environmentally
5 contaminated.

6 **SECTION 3248.** 292.31 (1) (a) 2. of the statutes is repealed.

7 **SECTION 3249.** 292.31 (1) (a) 3. of the statutes is amended to read:

8 292.31 (1) (a) 3. The decision of the department to include a site or facility on
9 the inventory list or database under subd. 1. or exclude a site or facility from the
10 inventory list or database is not subject to judicial review.

11 **SECTION 3250.** 292.31 (1) (a) 4. of the statutes is amended to read:

12 292.31 (1) (a) 4. Notwithstanding s. 227.01 (13) or 227.10 (1), the list or
13 database of sites or facilities ~~which results from the inventory under subd. 1.~~ is not
14 a rule.

15 **SECTION 3251.** 292.31 (1) (b) 1. of the statutes is amended to read:

16 292.31 (1) (b) 1. The department may take direct action under subd. 2. or 3. or
17 may enter into a contract with any person to take the action. The department may
18 take action under subd. 2. or 3. regardless of whether a site or facility is included on
19 the inventory list or database under par. (a) ~~or the hazard ranking list under par. (c).~~

20 **SECTION 3252.** 292.31 (1) (c) of the statutes is repealed.

21 **SECTION 3253.** 292.31 (2) (a) of the statutes is amended to read:

22 292.31 (2) (a) Methods for preparing the ~~inventory and conducting the analysis~~
23 list or database under sub. (1).

24 **SECTION 3254.** 292.31 (3) (c) of the statutes is amended to read:

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1 292.31 (3) (c) *Sequence of remedial action.* In determining the sequence for
2 taking remedial action under this subsection, the department shall consider the
3 ~~hazard ranking of~~ degree to which each site or facility presents a substantial danger
4 to public health or welfare or the environment, the potential urgency of taking
5 remedial action at each site or facility, the amount of funds available, the information
6 available about each site or facility, the willingness and ability of an owner, operator
7 or other responsible person to undertake or assist in remedial action, the availability
8 of federal funds under 42 USC 9601, et seq., and other relevant factors. The
9 department shall give the highest priority to remedial action at sites or facilities
10 which have caused contamination of a municipal water system in a town with a
11 population greater than 10,000. If any such site or facility is eligible for federal funds
12 under 42 USC s. 9601 to 9675, but the federal funds will not be available before
13 January 1, 2000, the department shall proceed with remedial action using state
14 funds.

15 **SECTION 3255.** 292.31 (3) (cm) of the statutes is amended to read:

16 292.31 (3) (cm) *Remedial action schedule.* The department shall commence
17 remedial action as required under this paragraph for sites or facilities ~~which are~~
18 ~~included on the hazard ranking list and~~ that are determined to present a substantial
19 danger to public health or welfare or the environment. The department shall
20 commence remedial action at no less than 2 of the sites or facilities by January 1,
21 1989. The department shall commence remedial action at all of the sites or facilities
22 by January 1, 2000. After January 1, 1989, and before January 1, 2000, the
23 department shall annually commence remedial action at no less than 2 of the sites
24 or facilities.

25 **SECTION 3256.** 292.31 (3) (d) of the statutes is amended to read:

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1 292.31 (3) (d) *Emergency responses*. Notwithstanding rules promulgated
2 under this section, ~~the hazard ranking list~~, the considerations for taking action
3 under par. (c) or the remedial action schedule under par. (cm), the department may
4 take emergency action under this subsection and subs. (1) and (7) at a site or facility
5 if delay will result in imminent risk to public health or safety or the environment.
6 The department is not required to hold a hearing under par. (f) if emergency action
7 is taken under this paragraph. The decision of the department to take emergency
8 action is a final decision of the agency subject to judicial review under ch. 227.

9 **SECTION 3257.** 292.31 (4) of the statutes is amended to read:

10 292.31 (4) MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY
11 MUNICIPALITIES. Notwithstanding the ~~inventory, analysis and hazard ranking list or~~
12 database under sub. (1), the environmental response plan prepared under sub. (2)
13 or the environmental repair authority, remedial action sequence and emergency
14 response requirements under sub. (3), the department shall pay that portion of the
15 cost of any monitoring requirement which is to be paid under s. 289.31 (7) (f) from
16 the appropriation under s. 20.370 (2) (dv) prior to making other payments from that
17 appropriation.

18 **SECTION 3258.** 292.31 (5) of the statutes is amended to read:

19 292.31 (5) MUNICIPAL INCINERATOR ASH TESTING. Notwithstanding the ~~inventory,~~
20 ~~analysis and hazard ranking list or database~~ under sub. (1), the environmental
21 response plan prepared under sub. (2), the environmental repair authority, remedial
22 action sequence and emergency response requirements under sub. (3), or the
23 monitoring costs under sub. (4), the department shall pay the cost incurred by a
24 municipality after June 30, 1986, and before January 30, 1988, for testing required
25 to determine whether the ash from a municipally owned incinerator is hazardous.

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1 The department shall make payments under this subsection from the appropriation
2 under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

3 **SECTION 3259.** 292.31 (7) (am) of the statutes is created to read:

4 292.31 (7) (am) 1. The department may accept the transfer of an interest in
5 property that was acquired by the federal environmental protection agency as part
6 of a remedial action under the federal Comprehensive Environmental Response,
7 Compensation, and Liability Act, 42 USC 9601 to 9675.

8 2. The department may acquire an interest in property from any person as part
9 of a remedial action conducted in cooperation with the federal environmental
10 protection agency if the acquisition is necessary to implement the remedy. Under
11 this subdivision, the department may acquire an interest in property that is
12 necessary to ensure that restrictions on the use of land or groundwater are
13 enforceable. The department may expend moneys from the appropriations under ss.
14 20.370 (2) (dv) and 20.866 (2) (tg) if necessary to compensate a person for an interest
15 in property acquired by the department under this subdivision.

16 3. The department may enforce the terms of any interest in property that it
17 acquires under this paragraph.

18 **SECTION 3260.** 292.35 (1) (am) of the statutes is created to read:

19 292.35 (1) (am) "Financial assistance" means money, other than a loan,
20 provided by this state to pay a portion of the cost of investigation and remedial action
21 for a site or facility, except that "financial assistance" does not include money
22 provided by the state because the state is a responsible party at a site or facility.

23 **SECTION 3261.** 292.35 (1) (d) of the statutes is created to read:

24 292.35 (1) (d) "Remedial action" means action that is taken in response to a
25 discharge of a hazardous substance to restore the environment and minimize the

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1 harmful effects of the discharge on the air, lands, and waters of this state, including
2 actions taken immediately after the discharge occurs.

3 **SECTION 3262.** 292.35 (2) of the statutes is renumbered 292.35 (2) (intro.) and
4 amended to read:

5 292.35 (2) APPLICABILITY. (intro.) This section only applies to a site or facility
6 if ~~the~~ any of the following criteria is satisfied:

7 (a) The site or facility is owned by a local governmental unit. ~~This section does~~
8 ~~not apply to a landfill until January 1, 1996 and, if the site or facility is a landfill, the~~
9 landfill is closed under s. 289.05 (3).

10 **SECTION 3263.** 292.35 (2) (b) of the statutes is created to read:

11 292.35 (2) (b) The local governmental unit is a responsible party at the site or
12 facility and all of the following apply:

13 1. The local governmental unit commits itself, by resolution of its governing
14 body, to paying more than 50% of the amount determined by subtracting any
15 financial assistance received for the site or facility from the total cost of investigation
16 and remedial action for the site or facility.

17 2. If the site or facility is a landfill, the landfill is closed.

18 **SECTION 3264.** 292.35 (2g) (bg) of the statutes is created to read:

19 292.35 (2g) (bg) 1. A transporter who is notified by certified mail by a local
20 governmental unit that the transporter is a responsible party at a site or facility shall
21 submit any records requested by the local governmental unit relating to the
22 transport and disposal of waste at the site or facility. The transporter shall submit
23 the records to the local governmental unit within 90 days of receiving the request.

24 2. If any records requested under subd. 1. were lost or destroyed before the
25 transporter received notice under subd. 1., the transporter may, within 90 days of

SENATE BILL 55**SECTION 3264**

1 receiving the request under subd. 1., submit an affidavit that includes all of the
2 following:

3 a. A statement that the records are no longer available.

4 b. A statement that the transporter will cooperate by providing depositions,
5 statements, and other materials reasonably sought by the local governmental unit,
6 or an allocator appointed under sub. (3) (a), that will aid in the process of allocating
7 responsibility for the costs of investigation and remedial action at the site or facility.

8 c. A description of the process used by the transporter to search for the records.

9 3. A transporter shall provide depositions, statements, and other materials
10 reasonably sought by the local governmental unit, or an allocator appointed under
11 sub. (3) (a), that will aid in the process of allocating responsibility for the costs of
12 investigation and remedial action at the site or facility.

13 4. If a transporter discovers additional records more than 90 days after
14 receiving a request under subd. 1., the transporter shall immediately submit the
15 records to the local governmental unit, along with an explanation of why the records
16 were not submitted earlier.

17 **SECTION 3265.** 292.35 (2g) (br) of the statutes is created to read:

18 292.35 (2g) (br) If a person fails to comply with par. (b) or (bg), the local
19 governmental unit may bring an action in circuit court to compel compliance. In an
20 action under this paragraph, the court may require a person who failed to comply
21 with par. (b) or (bg) to pay costs and, notwithstanding s. 814.04 (1), reasonable
22 attorney fees.

23 **SECTION 3266.** 292.35 (2r) (a) of the statutes is amended to read:

24 292.35 (2r) (a) The local governmental unit shall, in consultation with the
25 department, prepare a ~~draft~~ report that identifies and evaluates options for remedial

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1 action plan at the site or facility and identifies the local governmental unit's
2 preferred remedial option. The local governmental unit shall submit the remedial
3 action option report and a list of responsible parties to the department.

4 **SECTION 3267.** 292.35 (2r) (b) of the statutes is amended to read:

5 292.35 (2r) (b) Upon completion receipt of the draft remedial action plan option
6 report, the local governmental unit shall send written notice to all responsible
7 parties identified by the local governmental unit, provide public notice and conduct
8 department shall schedule a public hearing to receive comments on the draft
9 remedial action plan option report and the list of responsible parties. The
10 department shall provide public notice of the hearing by publishing a class 2 notice,
11 under ch. 985. The department shall provide notice to listed responsible parties by
12 certified mail. The notice to responsible parties shall offer the person receiving the
13 notice an opportunity to provide information regarding the status of that person or
14 any other person as a responsible party, notice and a description of the public
15 hearing, and a description of the procedures in this section. At the public hearing,
16 the local governmental unit department shall solicit testimony on whether the draft
17 preferred remedial option in the remedial action plan options report is the least
18 costly most cost effective method of meeting the standards for remedial action
19 promulgated by the department by rule. The local governmental unit department
20 shall accept written comments for at least 30 days after the close of the public
21 hearing.

22 **SECTION 3268.** 292.35 (2r) (c) of the statutes is amended to read:

23 292.35 (2r) (c) Upon No later than 90 days after the conclusion of the period
24 for written comment, the local governmental unit department shall prepare a
25 preliminary remedial action plan issue a decision specifying an approved remedial

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1 option, taking into account the local governmental unit's preferred remedial option,
2 the written comments, and the comments received at the public hearing and shall
3 submit the preliminary remedial action plan to the department for approval. The
4 department may approve the preliminary remedial action plan as submitted or
5 require modifications. If the department fails to issue a decision within the time
6 required, the local governmental unit's preferred remedial option is approved and
7 constitutes the department's decision. The decision is subject to review under s.
8 227.42 and to judicial review under ss. 227.52 to 227.58. A court shall conduct the
9 review of a decision under this paragraph as expeditiously as possible. The decision
10 concerning the remedial option is not subject to review in any other administrative
11 or judicial proceeding. No later than 90 days after the conclusion of the period for
12 written comment, the department shall also issue a list of responsible parties,
13 making any revision to the list provided under par. (a) that the department
14 determines is appropriate, taking into account the written comments and the
15 comments received at the public hearing.

16 **SECTION 3269.** 292.35 (3) (title) of the statutes is amended to read:

17 292.35 (3) (title) ~~OFFER~~ COST ALLOCATION, OFFER TO SETTLE; SELECTION OF UMPIRE.

18 **SECTION 3270.** 292.35 (3) (a) of the statutes is renumbered 292.35 (3) (as), and
19 292.35 (3) (as) (intro.) and 2., as renumbered, are amended to read:

20 292.35 (3) (as) (intro.) ~~Upon receiving the department's approval of the~~
21 ~~preliminary remedial action plan~~ Once a cost allocation decision has been made
22 under par. (am), the local governmental unit shall serve provide an offer to settle
23 ~~regarding the contribution of funds for investigation and remedial action at the site~~
24 ~~or facility on based on the cost allocation decision to each of the responsible parties~~
25 ~~identified by the local governmental unit, using the procedure for service of a~~

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1 ~~summons under s. 801.11~~ listed under sub. (2r) (c) by certified mail and shall notify
2 the department that the offer to settle has been served mailed. The local
3 governmental unit shall include in the offer to settle all of the following information:

4 2. The names, addresses, and contact persons, to the extent known, for all of
5 the responsible parties ~~identified by the local governmental unit~~.

6 **SECTION 3271.** 292.35 (3) (ac) of the statutes is created to read:

7 292.35 (3) (ac) The local governmental unit may appoint a person to make a cost
8 allocation among the responsible parties at a site or facility. If the local governmental
9 unit uses an allocator, the allocator shall submit a preliminary cost allocation to the
10 local governmental unit no later than 90 days after the department issues a decision
11 under sub. (2r) (c). If the local governmental unit does not use an allocator, the local
12 governmental unit shall prepare a preliminary cost allocation no later than 90 days
13 after the department issues a decision under sub. (2r) (c).

14 **SECTION 3272.** 292.35 (3) (ae) of the statutes is created to read:

15 292.35 (3) (ae) The local governmental unit shall hold a public hearing on the
16 preliminary cost allocation under par. (ac). At least 14 days before the public
17 hearing, the local governmental unit shall mail a notice of the public hearing to all
18 responsible parties listed under sub. (2r) (c). The local governmental unit shall also
19 publish a class 2 notice, under ch. 985, of the hearing in a local newspaper with
20 circulation in the area where the site or facility is located. The local governmental
21 unit shall accept comments on the cost allocation for 30 days after the close of the
22 public hearing.

23 **SECTION 3273.** 292.35 (3) (am) of the statutes is created to read:

24 292.35 (3) (am) If an allocator is used under par. (ac), the allocator shall make
25 a final cost allocation decision, taking into account the written comments and

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1 comments received at the public hearing and subject to sub. (6m), and provide the
2 cost allocation decision to the local governmental unit and the responsible parties no
3 later than 90 days after the close of the public comment period under par. (ae). If no
4 allocator is used, the local governmental unit shall make a final cost allocation
5 decision, taking into account the written comments and comments received at the
6 public hearing and subject to sub. (6m), and provide the cost allocation decision to
7 the responsible parties no later than 90 days after the close of the public comment
8 period under par. (ae).

9 **SECTION 3274.** 292.35 (3) (aw) of the statutes is created to read:

10 292.35 (3) (aw) If a responsible party accepts the offer to settle under par. (as),
11 the responsible party shall notify the local governmental unit of the acceptance. If
12 a responsible party rejects the offer to settle, the responsible party shall notify the
13 local governmental unit, in writing, of the basis for the rejection no later than 30 days
14 after receiving the offer to settle. Upon receipt of notice of rejection, the local
15 governmental unit may request the department to select an umpire.

16 **SECTION 3275.** 292.35 (3) (b) of the statutes is amended to read:

17 292.35 (3) (b) The department shall maintain a list of competent and
18 disinterested umpires who are environmental experts and are qualified to perform
19 the duties under subs. (4) to (6). None of the umpires may be employees of the
20 department. Upon receiving notice a request from a local governmental unit under
21 par. (a) ~~(aw)~~, the secretary or his or her designee shall select an umpire from the list
22 and inform the local governmental unit and responsible parties of the person
23 selected.

24 **SECTION 3276.** 292.35 (3) (c) of the statutes is amended to read:

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1 292.35 (3) (c) Within 10 days after receiving notice of the umpire selected by
2 the department under par. (b), the local governmental unit may notify the
3 department that the umpire selected is unacceptable. Within 10 days after receiving
4 notice of the umpire selected by the department under par. (b), a responsible party
5 may notify the department that the umpire selected is unacceptable or that the
6 responsible party does not intend to participate in the negotiation. Failure to notify
7 the department that the umpire is unacceptable shall be considered acceptance. If
8 all responsible parties identified by the local governmental unit indicate that they
9 do not intend to participate in the negotiation, the department shall inform the local
10 governmental unit and the local governmental unit shall cease further action under
11 this section.

12 **SECTION 3277.** 292.35 (4) (a) of the statutes is amended to read:

13 292.35 (4) (a) The umpire, immediately upon being appointed, shall contact the
14 department, the local governmental unit, and the responsible parties that received
15 the offer to settle and shall schedule the negotiating sessions. The umpire shall
16 schedule the first negotiating session no later than 20 days after being appointed.
17 The umpire may meet with all parties to the negotiation, individual parties or groups
18 of parties. The umpire shall facilitate a discussion between the local governmental
19 unit and the responsible parties to attempt to reach an agreement on the design and
20 implementation of the remedial action plan and the contribution of funds by the local
21 governmental unit and responsible parties.

22 **SECTION 3278.** 292.35 (5) of the statutes is amended to read:

23 292.35 (5) AGREEMENT IN NEGOTIATION. The local governmental unit and any of
24 the responsible parties may enter into any agreement in negotiation regarding the
25 design and implementation of the remedial action plan and the contribution of funds

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1 by the local governmental unit and responsible parties for the investigation and
2 remedial action. ~~The portion of the agreement containing the design and~~
3 ~~implementation of the remedial action plan shall be submitted to the department for~~
4 ~~approval. The department may approve that portion of the agreement as submitted~~
5 ~~or require modifications.~~

6 **SECTION 3279.** 292.35 (6) (a) of the statutes is amended to read:

7 292.35 (6) (a) If the local governmental unit and any responsible parties are
8 unable to reach an agreement under sub. (5) by the end of the period of negotiation,
9 the umpire shall make a recommendation, subject to sub. (6m), regarding the design
10 ~~and implementation of the remedial action plan~~ and the contribution of funds for
11 investigation and remedial action by the local governmental unit and all responsible
12 parties that were identified by the local governmental unit listed under sub. (2r) (c)
13 and that did not reach an agreement under sub. (5), whether or not the responsible
14 parties participated in negotiations under sub. (4). The umpire shall submit the
15 recommendation to the department for its approval, the local governmental unit, and
16 all responsible parties affected by the recommendation within ~~20~~ 60 days after the
17 end of the period of negotiation under sub. (4) (c). ~~The department may approve the~~
18 ~~recommendation as submitted or require modifications. The umpire shall distribute~~
19 ~~a copy of the approved recommendation to the local governmental unit and all~~
20 ~~responsible parties identified by the local governmental unit.~~

21 **SECTION 3280.** 292.35 (6m) of the statutes is created to read:

22 292.35 (6m) RESPONSIBILITY OF TRANSPORTER. (a) If a transporter complies with
23 sub. (2g) (bg) 1. to 3., a local governmental unit or other person making an allocation
24 under sub. (3) (a), an umpire making a recommendation under sub. (6) (a), or,
25 notwithstanding sub. (9) (c), a finder of fact making an apportionment under sub. (9)

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1 (d) may not allocate to the transporter more than 15% of the costs allocated to
2 responsible parties.

3 (b) 1. Except as provided in subd. 2., if a transporter fails to comply with sub.
4 (2g) (bg) 1. to 3. or provides false information under those provisions, a local
5 governmental unit or other person making an allocation under sub. (3) (a), an umpire
6 making a recommendation under sub. (6) (a), or, notwithstanding sub. (9) (c), a finder
7 of fact making an apportionment under sub. (9) (d) shall allocate to the transporter
8 more than 15% of the costs allocated to responsible parties.

9 2. If a transporter provides information under sub. (2g) (bg) 1. to 3. after the
10 day on which the information is required to be provided and an explanation of why
11 the information was not provided sooner, a local governmental unit or other person
12 making an allocation under sub. (3) (a), an umpire making a recommendation under
13 sub. (6) (a), or, notwithstanding sub. (9) (c), a finder of fact making an apportionment
14 under sub. (9) (d) may allocate to the transporter less than 15% of the costs allocated
15 to responsible parties.

16 **SECTION 3281.** 292.35 (7) of the statutes is amended to read:

17 292.35 (7) RESPONSIBLE PARTIES SUBJECT TO AN OFFER TO SETTLE, AGREEMENT, OR
18 RECOMMENDATION. A responsible party that accepts an offer to settle under sub. (3)
19 (aw), that enters into an agreement under sub. (5) with a local governmental unit,
20 or that accepts the umpire's recommendation under sub. (6), if the local
21 governmental unit does not reject the recommendation, is required to comply with
22 the offer to settle, agreement, or recommendation. When the responsible party has
23 complied with the offer to settle, agreement, or recommendation, the responsible
24 party is not liable to the state, including under s. 292.11 (7) (b) or 292.31 (8), or to the
25 local governmental unit for any additional costs of the investigation or remedial

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1 action; the responsible party is not liable to any other responsible party for
2 contribution to costs incurred by any other responsible party for the investigation or
3 remedial action; and the responsible party is not subject to an order under s. 292.11
4 (7) (c) for the discharge that is the subject of the offer to settle, agreement, or
5 recommendation.

6 **SECTION 3282.** 292.35 (8) (b) 2. of the statutes is amended to read:

7 292.35 (8) (b) 2. The responsible party accepts an offer to settle under sub. (3)
8 (aw) or the local governmental unit and the responsible party enter into an
9 agreement under sub. (5) or accept the umpire's recommendation under sub. (6); the
10 responsible party does not comply with the requirements of the offer to settle,
11 agreement, or recommendation; and the local governmental unit recovers a
12 judgment against that responsible party based on the offer to settle, agreement, or
13 recommendation.

14 **SECTION 3283.** 292.35 (9) (a) 1. of the statutes is renumbered 292.35 (9) (a) and
15 amended to read:

16 292.35 (9) (a) This subsection applies only to a site or facility that satisfies the
17 applicability provisions of sub. (2) and for which the remedial action specified in an
18 agreement under sub. (5) or a recommendation under sub. (6) ~~is completed~~ has
19 begun.

20 **SECTION 3284.** 292.35 (9) (b) of the statutes is amended to read:

21 292.35 (9) (b) Except as provided in pars. (bm), (br), and (e), sub. (7) and s.
22 292.21, a responsible party is liable for a portion of the costs, as determined under
23 pars. (c) to (e), that have been or will be incurred by a local governmental unit for
24 remedial action in an agreement under sub. (5) or a recommendation under sub. (6)

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1 and for any related investigation. A right of action shall accrue to a local
2 governmental unit against the responsible party for costs listed in this paragraph.

3 **SECTION 3285.** 292.35 (9) (c) of the statutes is amended to read:

4 292.35 (9) (c) The Except as provided in sub. (6m), the liability of each party
5 to the action to recover costs under par. (b) is limited to a percentage of the cost of the
6 remedial action that is determined by dividing the percentage of that party's
7 contribution to the environmental pollution resulting from the disposal or discharge
8 of a hazardous substance at the site or facility by the percentage of contribution of
9 all responsible parties to the environmental pollution resulting from the disposal or
10 discharge of a hazardous substance at the site or facility. Section 895.045 does not
11 apply to this paragraph.

12 **SECTION 3286.** 292.35 (9) (cs) of the statutes is created to read:

13 292.35 (9) (cs) If this state provides financial assistance for a site or facility, the
14 finder of fact shall apply the financial assistance toward the amount that cannot be
15 collected from a responsible party because the responsible party is unidentifiable,
16 deceased, insolvent, or a dissolved corporation, before applying par. (c) to determine
17 the liability of the responsible parties from which it is possible to collect.

18 **SECTION 3287.** 292.35 (9) (d) 7. of the statutes is created to read:

19 292.35 (9) (d) 7. The extent to which the party cooperated and assisted in the
20 process under subs. (2g) to (5).

21 **SECTION 3288.** 292.65 (1) (intro.) of the statutes is amended to read:

22 292.65 (1) DEFINITIONS. (intro.) In this section and s. 292.66:

23 **SECTION 3289.** 292.65 (1) (b) of the statutes is amended to read:

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1 292.65 (1) (b) “Case closure letter” means a letter provided by the department
2 that states that, based on information available to the department, no further
3 remedial action is necessary with respect to a dry cleaning ~~solvent~~ product discharge.

4 **SECTION 3290.** 292.65 (1) (d) (intro.) of the statutes is amended to read:

5 292.65 (1) (d) (intro.) “Dry cleaning facility” means a facility for ~~dry~~ cleaning
6 apparel or household fabrics for the general public using a dry cleaning product,
7 other than a facility that is one of the following:

8 **SECTION 3291.** 292.65 (1) (e) of the statutes is amended to read:

9 292.65 (1) (e) “Dry cleaning ~~solvent~~ product” means a ~~ehlorine-based or~~
10 ~~hydrocarbon-based formulation or product that is used as a primary cleaning agent~~
11 ~~in dry cleaning facilities~~ hazardous substance used to clean apparel or household
12 fabrics, except for a hazardous substance used to launder apparel or household
13 fabrics.

14 **SECTION 3292.** 292.65 (1) (gm) of the statutes is amended to read:

15 292.65 (1) (gm) “Immediate action” means a remedial action that is taken
16 within a short time after a discharge of dry cleaning ~~solvent~~ product occurs, or after
17 the discovery of a discharge of dry cleaning ~~solvent~~ product, to halt the discharge,
18 contain or remove discharged dry cleaning ~~solvent~~ product, or remove contaminated
19 soil or water in order to restore the environment to the extent practicable and to
20 minimize the harmful effects of the discharge to air, lands, and waters of the state
21 and to eliminate any imminent threat to public health, safety, or welfare.

22 **SECTION 3293.** 292.65 (1) (gs) of the statutes is created to read:

23 292.65 (1) (gs) “Interim action” means a remedial action that is taken to contain
24 or stabilize a discharge of a dry cleaning product, in order to minimize any threats

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1 to public health, safety, or welfare or to the environment, while other remedial
2 actions are being planned.

3 **SECTION 3294.** 292.65 (4) (b) of the statutes is amended to read:

4 292.65 (4) (b) *Report.* An owner or operator shall report a dry cleaning solvent
5 product discharge to the department in a timely manner, as provided in s. 292.11.

6 **SECTION 3295.** 292.65 (4) (e) of the statutes is amended to read:

7 292.65 (4) (e) *Investigation.* After notifying the department under par. (c) 1.,
8 if applicable, and before conducting remedial action activities, an owner or operator
9 shall complete an investigation to determine the extent of environmental impact of
10 the dry cleaning solvent product discharge, except as provided in pars. (g) and (h).

11 **SECTION 3296.** 292.65 (4) (h) of the statutes is repealed and recreated to read:

12 292.65 (4) (h) *Interim action.* An owner or operator is not required to complete
13 an investigation or prepare a remedial action plan before conducting an interim
14 action activity if the department determines that an interim action is necessary.

15 **SECTION 3297.** 292.65 (4) (i) of the statutes is amended to read:

16 292.65 (4) (i) *Review of site investigation and remedial action plan.* The
17 department shall, at the request of an owner or operator, review the site
18 investigation results and the remedial action plan and advise the owner or operator
19 on the adequacy of the proposed remedial action activities in meeting the
20 requirements of this section. The department shall complete the review of the site
21 investigation and remedial action plan within 45 days. The department shall also
22 provide an estimate of when funding will be available to pay an award for remedial
23 action conducted in response to the dry cleaning solvent product discharge.

24 **SECTION 3298.** 292.65 (4) (j) (intro.) and 1. of the statutes are amended to read:

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1 292.65 (4) (j) *Remedial action.* (intro.) The owner or operator shall conduct all
2 remedial action activities that are required under this section in response to the dry
3 cleaning solvent product discharge, including all of the following:

4 1. Recovering any recoverable dry cleaning solvent product from the
5 environment.

6 **SECTION 3299.** 292.65 (5) (b) (intro.) of the statutes is amended to read:

7 292.65 (5) (b) (intro.) An owner or operator who is required to implement
8 enhanced pollution prevention measures under par. (a) shall demonstrate all of the
9 following:

10 **SECTION 3300.** 292.65 (5) (b) 1. of the statutes is amended to read:

11 292.65 (5) (b) 1. That the owner or operator manages all wastes that are
12 generated at the dry cleaning facility and that contain dry cleaning solvent product
13 as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

14 **SECTION 3301.** 292.65 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin
15 Act (this act), is renumbered 292.65 (5) (c) 1.

16 **SECTION 3302.** 292.65 (5) (b) 2. of the statutes is amended to read:

17 292.65 (5) (b) 2. That the dry cleaning facility does not discharge dry cleaning
18 solvent product or wastewater from dry cleaning machines into any sanitary sewer
19 or septic tank or into the waters of this state.

20 **SECTION 3303.** 292.65 (5) (b) 2. of the statutes, as affected by 2001 Wisconsin
21 Act (this act), is renumbered 292.65 (5) (c) 2.

22 **SECTION 3304.** 292.65 (5) (b) 3. of the statutes is amended to read:

23 292.65 (5) (b) 3. That each machine or other piece of equipment in which dry
24 cleaning solvent product is used, or the entire area in which those machines or pieces
25 of equipment are located, is surrounded by a containment dike or other containment

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1 structure that is able to contain any leak, spill, or other release of dry cleaning
2 solvent product from the machines or other pieces of equipment.

3 **SECTION 3305.** 292.65 (5) (b) 4. of the statutes is amended to read:

4 292.65 (5) (b) 4. That the floor within any area surrounded by a dike or other
5 containment structure under subd. 3. is sealed or is otherwise impervious to dry
6 cleaning solvent product.

7 **SECTION 3306.** 292.65 (5) (b) 5. of the statutes is amended to read:

8 292.65 (5) (b) 5. That ~~all dry cleaning solvent is~~ any perchloroethylene
9 delivered to the dry cleaning facility is delivered by means of a closed, direct-coupled
10 delivery system.

11 **SECTION 3307.** 292.65 (5) (b) 5. of the statutes, as affected by 2001 Wisconsin
12 Act (this act), is renumbered 292.65 (5) (c) 3.

13 **SECTION 3308.** 292.65 (5) (c) (intro.) of the statutes is created to read:

14 292.65 (5) (c) The owner or operator of a dry cleaning facility is not eligible for
15 an award under this section unless the owner or operator has implemented the
16 following enhanced pollution prevention measures:

17 **SECTION 3309.** 292.65 (7) (a) (intro.) of the statutes is amended to read:

18 292.65 (7) (a) *General.* (intro.) Subject to pars. (c), (ce), (cm), and (d), eligible
19 costs for an award under this section include reasonable and necessary costs ~~paid~~
20 incurred by the owner or operator of a dry cleaning facility because of a discharge of
21 dry cleaning product at the dry cleaning facility for the following items only:

22 **SECTION 3310.** 292.65 (7) (a) 2. of the statutes is amended to read:

23 292.65 (7) (a) 2. Investigation and assessment of contamination caused by a dry
24 cleaning solvent product discharge from a dry cleaning facility.

25 **SECTION 3311.** 292.65 (7) (a) 8. of the statutes is amended to read:

SENATE BILL 55**SECTION 3311**

1 292.65 (7) (a) 8. Maintenance of equipment for dry cleaning solvent product
2 recovery performed as part of remedial action activities.

3 **SECTION 3312.** 292.65 (7) (a) 13. of the statutes is repealed.

4 **SECTION 3313.** 292.65 (7) (c) 3. of the statutes is amended to read:

5 292.65 (7) (c) 3. Other costs that the department determines to be associated
6 with, but not integral to, the investigation and remediation of a dry cleaning solvent
7 product discharge from a dry cleaning facility.

8 **SECTION 3314.** 292.65 (7) (d) of the statutes is amended to read:

9 292.65 (7) (d) *Discharges from multiple activities.* If hazardous substances are
10 discharged at a dry cleaning facility as a result of dry cleaning operations and as a
11 result of other activities, eligible costs under this section are limited to activities
12 necessitated by the discharge of dry cleaning solvent product.

13 **SECTION 3315.** 292.65 (8) (a) (intro.) of the statutes is amended to read:

14 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
15 application on a form provided by the department. An owner or operator may not
16 submit an application before September 1, 1998. An owner or operator may not
17 submit an application after August 30, ~~2003~~ 2005, if the application relates to a dry
18 cleaning facility that ceased to operate before September 1, 1998. An owner or
19 operator may not submit an application after August 20, 2008, if the application
20 relates to any other dry cleaning facility. The department shall authorize owners and
21 operators to apply for awards at stages in the process under sub. (4) that the
22 department specifies by rule. An application shall include all of the following
23 documentation of activities, plans, and expenditures associated with the eligible
24 costs incurred because of a dry cleaning solvent product discharge from a dry
25 cleaning facility:

SENATE BILL 55**SECTION 3316**

1 **SECTION 3316.** 292.65 (8) (d) 7. of the statutes is amended to read:

2 292.65 (8) (d) 7. The applicant has not paid all of the fees under ss. 77.9961,
3 and 77.9962 ~~and 77.9963.~~

4 **SECTION 3317.** 292.65 (8) (d) 8. of the statutes is amended to read:

5 292.65 (8) (d) 8. The dry cleaning solvent product discharge was caused by a
6 person who provided services or products to the owner or operator or to a prior owner
7 or operator of the dry cleaning facility, including a person who provided
8 perchloroethylene to the owner or operator or prior owner or operator of a dry
9 cleaning facility using a system other than a closed, direct-coupled delivery system.

10 **SECTION 3318.** 292.65 (8) (e) 1. of the statutes is renumbered 292.65 (8) (e), and
11 292.65 (8) (e) (intro.), as renumbered, is amended to read:

12 292.65 (8) (e) *Deductible.* (intro.) The department may reimburse the owner
13 or operator of a dry cleaning facility ~~that is operating at the time that the owner or~~
14 ~~operator applies under par. (a)~~ only for eligible costs incurred at each dry cleaning
15 facility that exceed the following deductible:

16 **SECTION 3319.** 292.65 (8) (e) 3. of the statutes is repealed.

17 **SECTION 3320.** 292.65 (11) of the statutes is amended to read:

18 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
19 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
20 of a discharge of dry cleaning solvent product at a dry cleaning facility, the
21 department shall transfer from the appropriation account under s. 20.370 (6) (eq) to
22 the environmental fund an amount equal to the amount expended under s. 292.11
23 (7) (a) or 292.31 (3) (b). The department shall make transfers under this subsection
24 when the department determines that sufficient funds are available in the
25 appropriation account under s. 20.370 (6) (eq).

SENATE BILL 55**SECTION 3321**

1 **SECTION 3321.** 292.65 (13) of the statutes is amended to read:

2 292.65 (13) COUNCIL. The dry cleaner environmental response council shall
3 advise the department concerning the ~~programs~~ program under this section and ~~s.~~
4 ~~292.66~~. The dry cleaner environmental response council shall evaluate the program
5 under this section at least every 5 years, using criteria developed by the council.

6 **SECTION 3322.** 292.66 of the statutes is repealed.

7 **SECTION 3323.** 292.75 of the statutes is renumbered 560.132, and 560.132 (1)
8 (b), (2) (a) and (6), as renumbered, are amended to read:

9 560.132 (1) (b) "Local governmental unit" means a city, village, town, county,
10 redevelopment authority created under s. ~~66.431~~ 66.1333, community development
11 authority created under s. ~~66.4325~~ 66.1335, or housing authority.

12 (2) (a) The department shall administer a program to award brownfield site
13 assessment grants from the appropriation under s. ~~20.370 (6) (et)~~ 20.143 (1) (qm) to
14 local governmental units for the purposes of conducting any of the eligible activities
15 under sub. (3). In fiscal year 2001-02, the department shall allocate \$1,000,000 for
16 grants under this section.

17 (6) LIMITATION OF GRANT. The total amount of all grants awarded to a local
18 governmental unit in a fiscal year under this section shall be limited to an amount
19 equal to 15% of the available funds ~~appropriated under s. 20.370 (6) (et)~~ for the
20 program under this section for the fiscal year.

21 **SECTION 3324.** 292.77 of the statutes is repealed.

22 **SECTION 3325.** 292.99 (1m) of the statutes is amended to read:

23 292.99 (1m) Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit
24 not less than \$10 nor more than \$10,000.

25 **SECTION 3326.** 299.83 of the statutes is created to read:

SENATE BILL 55**SECTION 3326**

1 **299.83 Green tier program. (1) DEFINITIONS.** In this section:

2 (a) “Approval” means a permit, license, or other approval issued by the
3 department under chs. 280 to 295.

4 (am) “Covered facility or activity” means a facility or activity that is included,
5 or intended to be included, in the green tier program.

6 (b) “Environmental management system” means an organized set of
7 procedures to evaluate environmental performance and to achieve measurable or
8 noticeable improvements in that environmental performance through planning and
9 changes in operations.

10 (bm) “Environmental management system audit” means a review, of an
11 environmental management system, that is conducted in accordance with standards
12 and guidelines issued by the International Organization for Standardization and the
13 results of which are documented and communicated to employees of the participant.

14 (c) “Environmental performance,” unless otherwise qualified, means the
15 effects, whether regulated under chs. 160 and 280 to 299 or unregulated, of a facility
16 or activity on air, water, land, natural resources, and human health.

17 (cm) “Environmental performance evaluation” means a systematic,
18 documented, and objective review, conducted by or on behalf of the owner or operator
19 of a facility, of the environmental performance of the facility, including an evaluation
20 of compliance with one or more environmental requirements.

21 (d) “Environmental requirement” means a requirement in chs. 160 or 280 to
22 299, a rule promulgated under one of those chapters, or a permit, license, other
23 approval, or order issued by the department under one of those chapters.

24 (e) “Green tier contract” means a contract entered into by the department and
25 a participant in tier III of the green tier program, and that may, with the approval

SENATE BILL 55**SECTION 3326**

1 of the department, be signed by other interested parties, that specifies the
2 participant's commitment to superior environmental performance and the
3 incentives to be provided to the participant.

4 (f) "Green tier program" means the program under this section.

5 (fm) "Regulated entity" means a public or private entity that is subject to
6 environmental requirements.

7 (g) "Superior environmental performance" means one of the following:

8 1. That an entity limits the discharges or emissions of pollutants from, or in
9 some other way minimizes the negative effects on air, water, land, natural resources,
10 or human health of, a facility that is owned or operated by the entity or an activity
11 that is performed by the entity to an extent that is greater than is required by
12 applicable environmental requirements.

13 2. That an entity minimizes the negative effects on air, water, land, natural
14 resources, or human health of the raw materials used by the entity or the products
15 or services produced or provided by the entity to an extent that is greater than is
16 required by applicable environmental requirements.

17 3. That an entity voluntarily engages in restoring, enhancing, or preserving
18 natural resources.

19 4. That an entity helps other entities to comply with environmental
20 requirements or to accomplish the results described in subd. 1. or 2.

21 (h) "Violation" means a violation of an environmental requirement.

22 **(2) ELIGIBLE PARTICIPANTS.** Any regulated entity may participate in tier I of the
23 green tier program if the regulated entity qualifies for participation under sub. (3)

24 (a). Any public or private entity may apply to the department to participate in tier
25 II or tier III of the green tier program. A group of public or private entities may

SENATE BILL 55**SECTION 3326**

1 together apply to the department to participate in tier II or tier III of the green tier
2 program. An applicant for tier II or tier III of the green tier program shall identify
3 the facilities or activities that it intends to include in the program.

4 **(3) ELIGIBILITY AND PROCESS FOR TIER I.** (a) *General eligibility.* A regulated
5 entity qualifies for participation in tier I of the green tier program with respect to a
6 facility owned or operated by the regulated entity if all of the following apply:

7 1. The regulated entity conducts an environmental performance evaluation of
8 the facility or submits findings from the facility's environmental management
9 system.

10 2. If the regulated entity conducts an environmental performance evaluation,
11 the regulated entity notified the department in writing, no fewer than 30 days before
12 beginning an environmental performance evaluation, of the date on which the
13 environmental performance evaluation would begin, the site or facility or the
14 operations or practices at a site or facility to be reviewed, and the general scope of
15 the environmental performance evaluation.

16 3. If the regulated entity conducts an environmental performance evaluation,
17 the environmental performance evaluation complies with par. (d).

18 4. If the regulated entity submits findings from the facility's environmental
19 management system, the environmental management system complies with par. (e).

20 5. The regulated entity submits a report as required under par. (b).

21 6. At the time of submitting a report under par. (b), the department of justice
22 has not, within 2 years, filed a suit to enforce an environmental requirement, and the
23 department of natural resources has not, within 2 years, issued a citation to enforce
24 an environmental requirement, because of a violation involving the facility.

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1 (b) *Report.* To participate in tier I of the green tier program with respect to a
2 facility, a regulated entity that owns or operates the facility shall submit a report to
3 the department within 45 days after the date of the final written report of findings
4 of an environmental performance evaluation of the facility or within 45 days after
5 the date of findings from the facility's environmental management system. The
6 report shall include all of the following:

7 1. a. If the regulated entity conducted an environmental performance
8 evaluation, a description of the environmental performance evaluation, including
9 the person who conducted the environmental performance evaluation, when it was
10 completed, what activities and operations were examined, and what was revealed by
11 the environmental performance evaluation.

12 b. If the regulated entity submits findings from an environmental management
13 system, a description of the environmental management system, of the activities and
14 operations covered by the environmental management system, and of who made the
15 findings and when the findings were made.

16 2. If any violations were revealed by the environmental performance
17 evaluation or the environmental management system, a description of those
18 violations and of the length of time that the violations may have continued.

19 3. A description of actions taken or proposed to be taken to correct any
20 violations described in subd. 2.

21 4. A commitment to correct any violations identified in subd. 2. within 90 days
22 of submitting the report or according to a compliance schedule approved by the
23 department.

24 5. If the regulated entity proposes to take more than 90 days to correct
25 violations, a proposed compliance schedule that contains the shortest reasonable

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1 periods for correcting the violations, a statement that justifies the proposed
2 compliance schedule, and a description of measures that the regulated entity will
3 take to minimize the effects of the violations during the period of the compliance
4 schedule.

5 6. If the regulated entity proposes to take more than 90 days to correct the
6 violations, the proposed stipulated penalties to be imposed if the regulated entity
7 violates the compliance schedule under subd. 5.

8 7. A description of the measures that the regulated entity has taken or will take
9 to prevent future violations and a timetable for taking the measures that it has not
10 yet taken.

11 (c) *Public notice; comment period.* 1. The department shall provide at least 30
12 days for public comment on a compliance schedule and stipulated penalties proposed
13 in a report under par. (b). The department may not approve or issue a compliance
14 schedule under par. (f) or approve stipulated penalties under par. (g) until after the
15 end of the comment period.

16 2. Before the start of the public comment period under subd. 1., the department
17 shall provide public notice of the proposed compliance schedule and stipulated
18 penalties that does all of the following:

19 a. Identifies the regulated entity that submitted the report under par. (b), the
20 facility at which the violation occurred, and the nature of the violation.

21 b. Describes the proposed compliance schedule and the proposed stipulated
22 penalties.

23 c. Identifies an employee of the department and an employee of the regulated
24 entity who may be contacted for additional information about the proposed
25 compliance schedule and the proposed stipulated penalties.

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1 d. States that comments concerning the proposed compliance schedule and the
2 proposed stipulated penalties may be submitted to the department during the
3 comment period and states the last date of the comment period.

4 (d) *Environmental performance evaluation.* If a regulated entity conducts an
5 environmental performance evaluation under par. (a) 1., the regulated entity does
6 not qualify for participation in tier I of the green tier program unless the final written
7 report of findings of the environmental performance evaluation is labeled
8 “environmental performance evaluation report,” is dated, and, if the environmental
9 performance evaluation identifies violations, includes a plan for corrective action.
10 A regulated entity may use a form developed by the regulated entity, by a consultant,
11 or by the department for the final written report of findings of the environmental
12 performance evaluation.

13 (e) *Environmental management system.* If a regulated entity submits findings
14 from the facility’s environmental management system under par. (a) 1., the
15 regulated entity does not qualify for participation in tier I of the green tier program
16 unless the regulated entity’s efforts to prevent, detect, and correct violations are
17 appropriate to the size of the regulated entity and to the nature of its business and
18 are consistent with any criteria used by the federal environmental protection agency
19 to define due diligence in federal audit policies or regulations.

20 (f) *Compliance schedules.* 1. If the department receives a report under par. (b)
21 that contains a proposed compliance schedule under par. (b) 5., the department shall
22 review the proposed compliance schedule. The department may approve the
23 compliance schedule as submitted or propose a different compliance schedule. If the
24 regulated entity does not agree to implement a compliance schedule proposed by the
25 department, the department shall schedule a meeting with the regulated entity to

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1 attempt to reach an agreement on a compliance schedule. If the department and the
2 regulated entity do not reach an agreement on a compliance schedule, the
3 department may issue a compliance schedule. A compliance schedule under this
4 paragraph is subject to review under ch. 227.

5 2. The department may not approve or issue a compliance schedule that
6 extends longer than 12 months beyond the date of approval of the compliance
7 schedule. The department shall consider the following factors in determining
8 whether to approve a compliance schedule:

9 a. The environmental and public health consequences of the violations.

10 b. The time needed to implement a change in raw materials or method of
11 production if that change is an available alternative to other methods of correcting
12 the violations.

13 c. The time needed to purchase any equipment or supplies that are needed to
14 correct the violations.

15 (g) *Stipulated penalties.* 1. If the department receives proposed stipulated
16 penalties under par. (b) 6., the department shall review the proposed stipulated
17 penalties. The department may approve the stipulated penalties as submitted or
18 propose different stipulated penalties. If the regulated entity does not agree to
19 stipulated penalties proposed by the department, the department shall schedule a
20 meeting with the regulated entity to attempt to reach an agreement on stipulated
21 penalties. If no agreement is reached, there are no stipulated penalties for violations
22 of the compliance schedule.

23 2. Stipulated penalties approved under subd. 1. shall specify a period, not
24 longer than 6 months beyond the end of the compliance schedule, during which the
25 stipulated penalties will apply.

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1 (4) INCENTIVES FOR TIER I. (a) *Deferred civil enforcement.* 1. a. For at least 90
2 days after the department receives a report that meets the requirements in sub. (3)
3 (b), this state may not begin a civil action to collect forfeitures for violations that are
4 disclosed in the report by a regulated entity that qualifies under sub. (3) (a) for
5 participation in tier I of the green tier program.

6 b. If a regulated entity that qualifies under sub. (3) (a) for participation in tier
7 I of the green tier program corrects violations that are disclosed in a report that meets
8 the requirements of sub. (3) (b) within 90 days after the department receives the
9 report, this state may not bring a civil action to collect forfeitures for the violations.

10 c. This state may not begin a civil action to collect forfeitures for violations
11 covered by a compliance schedule that is approved under sub. (3) (f) during the period
12 of the compliance schedule if the regulated entity is not violating the compliance
13 schedule. If the regulated entity violates the compliance schedule, the department
14 may collect any stipulated penalties during the period in which the stipulated
15 penalties apply. This state may begin a civil action to collect forfeitures for violations
16 that are not corrected by the end of the period in which the stipulated penalties apply.
17 If the regulated entity violates the compliance schedule and there are no stipulated
18 penalties, this state may begin a civil action to collect forfeitures for the violations.

19 d. If the department approves a compliance schedule under sub. (3) (f) and the
20 regulated entity corrects the violations according to the compliance schedule, this
21 state may not bring a civil action to collect forfeitures for the violations.

22 2. Notwithstanding subd. 1., this state may at any time begin a civil action to
23 collect forfeitures for violations if any of the following apply:

24 a. The violations present an imminent threat to public health or the
25 environment or may cause serious harm to public health or the environment.

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1 b. The department discovers the violations before submission of a report under
2 sub. (3) (b).

3 c. The violations resulted in a substantial economic benefit that gives the
4 regulated entity a clear advantage over its business competitors.

5 d. The violations are identified through monitoring or sampling required by
6 permit, statute, rule, regulation, judicial or administrative order, or consent
7 agreement.

8 (b) *Consideration of actions by regulated entity.* If the department receives a
9 report that complies with sub. (3) (b) from a regulated entity that qualifies under sub.
10 (3) (a) for participation in tier I of the green tier program, and the report discloses
11 a potential criminal violation, the department and the department of justice shall
12 take into account the diligent actions of, and reasonable care taken by, the regulated
13 entity to comply with environmental requirements in deciding whether to pursue a
14 criminal enforcement action and what penalty should be sought. In determining
15 whether a regulated entity acted with due diligence and reasonable care, the
16 department and the department of justice shall consider whether the regulated
17 entity has demonstrated any of the following:

18 1. That the regulated entity took corrective action that was timely when the
19 violation was discovered.

20 2. That the regulated entity exercised reasonable care in attempting to prevent
21 the violation and to ensure compliance with environmental requirements.

22 3. That the regulated entity had a documented history of good faith efforts to
23 comply with environmental requirements before implementing its environmental
24 management system or before beginning to conduct environmental performance
25 evaluations.

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1 4. That the regulated entity has promptly made appropriate efforts to achieve
2 compliance with environmental requirements since implementing its
3 environmental management system or since beginning to conduct environmental
4 performance evaluations and that action was taken with due diligence.

5 5. That the regulated entity exercised reasonable care in identifying violations
6 in a timely manner.

7 6. That the regulated entity willingly cooperated in any investigation that was
8 conducted by this state or a local governmental unit to determine the extent and
9 cause of the violation.

10 (c) *Recognition.* If a regulated entity conducts an environmental performance
11 evaluation that complies with sub. (3) (d) at least every 2 years, submits a report that
12 complies with sub. (3) (b) for each environmental performance evaluation, corrects
13 any violations described in those reports, and otherwise qualifies under sub. (3) (a)
14 for participation in tier I of the green tier program, all of the following apply:

15 1. The department shall issue to the regulated entity a numbered certificate
16 of recognition.

17 2. The department shall identify the regulated entity, on an Internet site
18 maintained by the department, as a participant in tier I of the green tier program.

19 3. The department shall annually provide notice of the regulated entity's status
20 as a participant in tier I of the green tier program to newspapers in the area in which
21 facilities operated by the regulated entity are located.

22 4. The regulated entity may use a green tier logo selected by the department
23 on written materials produced by the regulated entity.

24 **(5) ELIGIBILITY FOR TIER II.** (a) *General.* An applicant is eligible for tier II of
25 the green tier program if the applicant satisfies the requirements in pars. (b) to (d).

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1 If an applicant consists of a group of entities, each requirement in pars. (b) to (d)
2 applies to each entity in the group.

3 (b) *Enforcement record.* To be eligible to participate in tier II of the green tier
4 program, an applicant shall demonstrate all of the following:

5 1. That, within 60 months before the date of application, no judgment of
6 conviction was entered against the applicant, any managing operator of the
7 applicant, or any person with a 25% or more ownership interest in the applicant for
8 a criminal violation involving a covered facility or activity that resulted in
9 substantial harm to public health or the environment or that presented an imminent
10 threat to public health or the environment.

11 2. That, within 36 months before the date of application, no civil judgment was
12 entered against the applicant, any managing operator of the applicant, or any person
13 with a 25% or more ownership interest in the applicant for a violation involving a
14 covered facility or activity that resulted in substantial harm to public health or the
15 environment.

16 3. That, within 24 months before the date of application, the department of
17 justice has not filed a suit to enforce an environmental requirement, and the
18 department of natural resources has not issued a citation to enforce an
19 environmental requirement, because of a violation involving a covered facility or
20 activity.

21 (c) *Environmental performance.* To be eligible to participate in tier II of the
22 green tier program, an applicant shall submit an application that describes all of the
23 following:

24 1. The applicant's past environmental performance with respect to each
25 covered facility or activity.

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1 2. The applicant's current environmental performance with respect to each
2 covered facility or activity.

3 3. The applicant's plans for activities that enhance the environment, such as
4 improving the applicant's environmental performance with respect to each covered
5 facility or activity.

6 (d) *Environmental management system.* To be eligible to participate in tier II
7 of the green tier program, an applicant shall do all of the following:

8 1. Demonstrate that it has implemented, or commit itself to implementing
9 within one year of application, for each covered facility or activity, an environmental
10 management system that is all of the following:

11 a. Based on the standards for environmental management systems issued by
12 the International Organization for Standardization or determined by the
13 department to be functionally equivalent to an environmental management system
14 that is based on those standards.

15 b. Determined by the department to be appropriate to the nature, scale, and
16 environmental impacts of the applicant's operations related to each covered facility
17 or activity.

18 2. Include, in the environmental management system under subd. 1., objectives
19 in at least 2 of the following areas:

20 a. Improving the environmental performance of the applicant, with respect to
21 each covered facility or activity, in aspects of environmental performance that are
22 regulated under chs. 160 and 280 to 299.

23 b. Improving the environmental performance of the applicant, with respect to
24 each covered facility or activity, in aspects of environmental performance that are not
25 regulated under chs. 160 and 280 to 299.

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1 c. Voluntarily restoring, enhancing, or preserving natural resources.

2 3. Explain to the department the rationale for the choices of objectives under
3 subd. 2. and describe any consultations with residents of the areas in which each
4 covered facility or activity is located or performed and with other interested persons
5 concerning those objectives.

6 4. Conduct, or commit itself to conducting, annual environmental management
7 system audits, with every 3rd environmental management system audit performed
8 by an outside environmental auditor approved by the department, and commit itself
9 to submitting an annual report on the environmental management system audit to
10 the department.

11 5. Commit itself to submitting to the department an annual report on progress
12 toward meeting the objectives under subd. 2.

13 **(6) PROCESS FOR TIER II.** (a) Upon receipt of an application for participation in
14 tier II of the green tier program, the department shall provide public notice about the
15 application in the area in which each covered facility or activity is located or
16 performed.

17 (b) After providing public notice under par. (a) about an application, the
18 department may hold a public informational meeting on the application.

19 (c) The department shall approve or deny an application within 60 days after
20 providing notice under par. (a) or, if the department holds a public informational
21 meeting under par. (b), within 60 days after that meeting. The department may limit
22 the number of participants in tier II of the green tier program, or limit the extent of
23 participation by a particular applicant, based on the department's determination
24 that the limitation is in the best interest of the green tier program.

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1 (d) A decision by the department under par. (c) to approve or deny an
2 application is not subject to review under ch. 227.

3 **(7) INCENTIVES FOR TIER II.** (a) The department shall issue a numbered
4 certificate of recognition to each participant in tier II of the green tier program.

5 (b) The department shall identify each participant in tier II of the green tier
6 program on an Internet site maintained by the department.

7 (c) The department shall annually provide notice of the participation of each
8 participant in tier II of the green tier program to newspapers in the area in which
9 each covered facility or activity is located.

10 (d) A participant in tier II of the green tier program may use a green tier logo
11 selected by the department on written materials produced by the participant.

12 (e) The department shall assign an employee of the department to serve as the
13 contact with the department for a participant in tier II of the green tier program for
14 any approvals that the participant is required to obtain and for technical assistance.

15 (f) After a participant in tier II of the green tier program implements an
16 environmental management system that complies with sub. (5) (d) 1., the
17 department shall conduct any inspections of the participant's covered facilities or
18 activities that are required under chs. 280 to 295 at the lowest frequency permitted
19 under those chapters, except that the department may conduct an inspection
20 whenever it has reason to believe that a participant is out of compliance with a
21 requirement in an approval.

22 **(8) ELIGIBILITY FOR TIER III.** (a) *General.* An applicant is eligible for tier III of
23 the green tier program if the applicant satisfies the requirements in pars. (b) to (d).
24 If an applicant consists of a group of public or private entities, each requirement in
25 pars. (b) to (d) applies to each entity in the group.

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1 (b) *Enforcement record.* To be eligible to participate in tier III of the green tier
2 program, an applicant shall demonstrate all of the following:

3 1. That, within 120 months before the date of application, no judgment of
4 conviction was entered against the applicant, any managing operator of the
5 applicant, or any person with a 25% or more ownership interest in the applicant for
6 a criminal violation involving a covered facility or activity that resulted in
7 substantial harm to public health or the environment or that presented an imminent
8 threat to public health or the environment.

9 2. That, within 60 months before the date of application, no civil judgment was
10 entered against the applicant, any managing operator of the applicant, or any person
11 with a 25% or more ownership interest in the applicant for a violation involving a
12 covered facility or activity that resulted in substantial harm to public health or the
13 environment.

14 3. That, within 24 months before the date of application, the department of
15 justice has not filed a suit to enforce an environmental requirement, and the
16 department of natural resources has not issued a citation to enforce an
17 environmental requirement, because of a violation involving a covered facility or
18 activity.

19 (c) *Environmental management system.* To be eligible to participate in tier III
20 of the green tier program, an applicant shall do all of the following:

21 1. Demonstrate that it has implemented for each covered facility or activity, an
22 environmental management system that is all of the following:

23 a. Based on the standards for environmental management systems issued by
24 the International Organization for Standardization or determined by the

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1 department to be functionally equivalent to an environmental management system
2 that is based on those standards.

3 b. Determined by the department to be appropriate to the nature, scale, and
4 environmental impacts of the applicant's operations related to each covered facility
5 or activity.

6 2. Commit itself to having an outside environmental auditor approved by the
7 department conduct an annual environmental management system audit and to
8 submitting an annual report on the environmental management system audit to the
9 department.

10 3. Commit itself to annually conducting, or having an outside environmental
11 auditor conduct, an audit of compliance with environmental requirements that are
12 applicable to the covered facilities or activities and to submitting the results of the
13 audit to the department.

14 (d) *Superior environmental performance.* To be eligible to participate in tier III
15 of the green tier program, an applicant shall demonstrate a record of superior
16 environmental performance, and describe the measures that it proposes to take to
17 maintain and improve its superior environmental performance.

18 **(9) PROCESS FOR TIER III.** (a) *Letter of intent.* To apply for participation in tier
19 III of the green tier program, an entity shall submit a letter of intent to the
20 department. In addition to providing information necessary to show that the
21 applicant satisfies the requirements in sub. (8), the applicant shall do all of the
22 following in the letter of intent:

23 1. Describe the involvement of interested persons in developing the proposal
24 for maintaining or improving the applicant's superior environmental performance,

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1 identify the interested persons, and describe the interests that those persons have
2 in the applicant's participation in the green tier program.

3 2. Outline the provisions that it proposes to include in the green tier contract.

4 (b) *Limitation.* The department may limit the number of letters of intent that
5 it processes based on the staff resources available.

6 (c) *Notice.* When the department decides to process a letter of intent, the
7 department shall provide public notice about the letter of intent in the area in which
8 each covered facility or activity is located or performed.

9 (d) *Public meeting.* After providing public notice under par. (c) about a letter
10 of intent, the department may hold a public informational meeting on the letter of
11 intent.

12 (e) *Request to participate.* Within 30 days after the public notice under par. (c),
13 interested persons may request that the department grant authorization to
14 participate in the negotiations under par. (f). A person who makes a request under
15 this paragraph shall describe the person's interests in the issues raised by the letter
16 of intent. The department shall determine whether a person who makes a request
17 under this paragraph may participate in the negotiations under par. (f) based on
18 whether the person has demonstrated sufficient interest in the issues raised by the
19 letter of intent to warrant that participation.

20 (f) *Negotiations.* If the department determines that an applicant satisfies the
21 requirements in sub. (8), the department may begin negotiations concerning a green
22 tier contract with the applicant and with any persons to whom the department
23 granted permission under par. (e). The department may begin the negotiations no
24 sooner than 30 days after providing public notice under par. (c) about the applicant's
25 letter of intent.

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1 (g) *Termination of negotiations.* The department may terminate negotiations
2 with an applicant concerning a green tier contract and the decision to terminate
3 negotiations is not subject to review under ch. 227.

4 (h) *Notice of proposed contract.* If negotiations under par. (f) result in a
5 proposed green tier contract, the department shall provide public notice about the
6 proposed green tier contract in the area in which each covered facility or activity is
7 located or performed.

8 (i) *Meeting on proposed contract.* After providing public notice under par. (h)
9 about a proposed green tier contract, the department may hold a public
10 informational meeting on the proposed green tier contract.

11 (j) *Green tier contract.* Within 30 days after providing notice under par. (h) or,
12 if the department holds a public informational meeting under par. (i), within 30 days
13 after that meeting, the department shall decide whether to enter into a green tier
14 contract with an applicant. In a green tier contract, the department shall require
15 that the participant maintain the environmental management system described in
16 sub. (8) (c) 1. and abide by the commitments in sub. (8) (c) 2. and 3. The department
17 may not provide reduced inspections or monitoring as an incentive in a green tier
18 contract if the audit under sub. (8) (c) 3. is conducted by the participant. The
19 department shall ensure that the incentives provided under a green tier contract are
20 proportional to the environmental benefits that will be provided by the participant
21 under the green tier contract. The department shall include in a green tier contract
22 remedies that apply if a party to the contract fails to comply with the contract. The
23 term of a green tier contract may not exceed 5 years, with opportunity for renewal
24 upon agreement of the parties for additional terms not to exceed 5 years for each
25 renewal.

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1 (k) *Review of decision.* Notwithstanding s. 227.42, there is no right to an
2 administrative hearing on the department's decision to enter into a contract under
3 par. (j), but the decision is subject to judicial review.

4 **(10) SUSPENSION OR TERMINATION OF PARTICIPATION.** (a) The department may
5 suspend or revoke the participation of a participant in the green tier program at the
6 request of the participant.

7 (b) The department may terminate the participation of a participant in the
8 green tier program if a judgment is entered against the participant, any managing
9 operator of the participant, or any person with a 25% or more ownership interest in
10 the participant for a criminal or civil violation involving a covered facility or activity
11 that resulted in substantial harm to public health or the environment or that
12 presented an imminent threat to public health or the environment.

13 (c) The department may suspend the participation of a participant in the green
14 tier program if the department determines that the participant, any managing
15 operator of the participant, or any person with a 25% or more ownership interest in
16 the participant committed a criminal or civil violation involving a covered facility or
17 activity that resulted in substantial harm to public health or the environment or that
18 presented an imminent threat to public health or the environment and the
19 department refers the matter to the department of justice for prosecution.

20 (d) The department may suspend or revoke the participation of a green tier
21 participant in tier II of the green tier program if the participant does not implement,
22 or fails to maintain, the environmental management system described in sub. (5) (d)
23 1., fails to conduct annual audits described in sub. (5) (d) 4., or fails to submit annual
24 reports described in sub. (5) (d) 5.

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1 (e) The department may, after an opportunity for a hearing, terminate a green
2 tier contract if the department determines that the participant is in substantial
3 noncompliance with the green tier contract.

4 (f) A person who is not a party to a green tier contract, but who believes that
5 a participant is in substantial noncompliance with a green tier contract, may ask the
6 department to terminate a green tier contract under par. (e).

7 **(10m)** ENVIRONMENTAL AUDITORS. The department may not approve an
8 environmental auditor for the purposes of sub. (5) (d) 4. or (8) (c) 2. unless the
9 environmental auditor is certified by the Registrar Accreditation Board of the
10 American National Standards Institute or meets criteria concerning education,
11 training, experience, and performance that are specified by the department.

12 **(11)** ACCESS TO RECORDS. (a) Except as provided in par. (c), the department shall
13 make any record, report, or other information obtained in the administration of this
14 section available to the public.

15 (c) The department shall keep confidential any part of a record, report, or other
16 information obtained in the administration of this section, other than emission data
17 or discharge data, upon a showing satisfactory to the department by any person that
18 the part of a record, report, or other information would, if made public, divulge a
19 method or process that is entitled to protection as a trade secret, as defined in s.
20 134.90 (1) (c), of that person.

21 (d) If the department refuses to release information on the grounds that it is
22 confidential under par. (c) and a person challenges that refusal, the department shall
23 inform the affected regulated entity of that challenge. Unless the regulated entity
24 authorizes the department to release the information, the regulated entity shall pay

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1 the reasonable costs incurred by this state to defend the refusal to release the
2 information.

3 (e) Paragraph (c) does not prevent the disclosure of any information to a
4 representative of the department for the purpose of administering this section or to
5 an officer, employee, or authorized representative of the federal government for the
6 purpose of administering federal law. When the department provides information
7 that is confidential under par. (c) to the federal government, the department shall
8 also provide a copy of the application for confidential status.

9 **(12) POWERS AND DUTIES OF THE DEPARTMENT.** (a) To facilitate the process under
10 sub. (9), the department shall develop model terms that may be used in green tier
11 contracts.

12 (b) After consultations with interested persons, the department shall annually
13 establish a list identifying aspects of superior environmental performance that the
14 department will use to identify which letters of intent it will process under sub. (9)
15 in the following year and the order in which it will process the letters of intent.

16 (c) The department may promulgate rules for the administration of the green
17 tier program. In the rules, the department may specify incentives, that are
18 consistent with federal laws and other state laws, that the department may provide
19 to participants in tier III of the green tier program.

20 (d) The department shall encourage small businesses, agricultural
21 organizations, entities that are not subject to environmental requirements, local
22 governments, and other entities to form groups to work cooperatively on projects to
23 achieve superior environmental performance.

24 (dm) The department shall select a logo for the green tier program.

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1 (e) The department shall consult with the green tier council about the operation
2 of the green tier program, priorities for the green tier program, and evaluation of the
3 green tier program.

4 (f) The department and the department of commerce shall jointly provide
5 information about environmental management systems to potential participants in
6 the green tier program and to other interested persons. The department shall
7 consult with the department of commerce about the administration of the green tier
8 program.

9 (g) The department shall collect, process, evaluate, and disseminate data
10 submitted by participants in the green tier program.

11 (h) The department shall submit a progress report on the green tier program
12 to the legislature, in the manner provided in s. 13.172 (2), no later than the first day
13 of the 36th month beginning after the effective date of this paragraph [revisor
14 inserts date], and every 2 years after it submits the first report.

15 **(13) PENALTY.** (a) Any person who knowingly makes a false statement in
16 material submitted under this section shall be fined not less than \$10 nor more than
17 \$10,000 or imprisoned for not more than 6 months or both.

18 (b) For purposes of this subsection, an act is committed knowingly if it is done
19 voluntarily and is not the result of negligence, mistake, accident, or circumstances
20 that are beyond the control of the person.

21 **SECTION 3327.** 301.025 of the statutes is amended to read:

22 **301.025 Division of juvenile corrections.** The division of juvenile
23 corrections shall exercise the powers and perform the duties of the department that
24 relate to juvenile correctional services and institutions, juvenile offender review,

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1 aftercare, corrective sanctions, ~~the juvenile boot camp program under s. 938.532,~~ the
2 serious juvenile offender program under s. 938.538, and youth aids.

3 **SECTION 3328.** 301.03 (3) of the statutes is amended to read:

4 301.03 (3) Administer parole, extended supervision and probation matters,
5 except that the decision to grant or deny parole to inmates shall be made by the parole
6 commission and the decision to revoke probation, extended supervision or parole in
7 cases in which there is no waiver of the right to a hearing shall be made by the
8 division of hearings and appeals in the department of administration. The secretary
9 may grant special action parole releases under s. 304.02. The secretary may grant
10 conditional medical parole under s. 302.11 (2m) or conditional medical extended
11 supervision under s. 302.113 (2m). The department shall promulgate rules
12 establishing a drug testing program for probationers, parolees and persons placed
13 on extended supervision. The rules shall provide for assessment of fees upon
14 probationers, parolees and persons placed on extended supervision to partially offset
15 the costs of the program.

16 **SECTION 3329.** 301.03 (10) (d) of the statutes is amended to read:

17 301.03 (10) (d) Administer the office of juvenile offender review in the division
18 of juvenile corrections in the department. The office shall be responsible for decisions
19 regarding case planning, and the release of juvenile offenders from secured
20 correctional facilities or secured child caring institutions to aftercare placements
21 ~~and the transfer of juveniles to the Racine youthful offender correctional facility~~
22 ~~named in s. 302.01 as provided in s. 938.357 (4) (d).~~

23 **SECTION 3330.** 301.031 (2r) (a) 3. of the statutes is amended to read:

24 301.031 (2r) (a) 3. Is for the treatment of alcoholics in treatment facilities
25 which have not been approved by the department of health and family services in

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1 accordance with s. ~~51.45 (8)~~ 51.04 (1) or which have not been conditionally approved
2 by the department of health and family services in accordance with s. 51.04 (3).

3 **SECTION 3331.** 301.035 (2) of the statutes is amended to read:

4 301.035 (2) Assign hearing examiners from the division to preside over
5 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
6 (2) and ch. 304.

7 **SECTION 3332.** 301.035 (4) of the statutes is amended to read:

8 301.035 (4) Supervise employes in the conduct of the activities of the division
9 and be the administrative reviewing authority for decisions of the division under ss.
10 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
11 ch. 304.

12 **SECTION 3333.** 301.046 (1) of the statutes is amended to read:

13 301.046 (1) INSTITUTION STATUS. The department shall establish and operate
14 a community residential confinement program as a correctional institution under
15 the charge of a superintendent. Under the program, the department shall confine
16 prisoners in their places of residence or other places designated by the department.
17 The secretary may allocate and reallocate existing and future facilities as part of the
18 institution. The institution is subject to s. 301.02 and is a state prison as defined in
19 under s. 302.01. Construction or establishment of the institution shall be in
20 compliance with all state laws except s. 32.035 and ch. 91. In addition to the
21 exemptions under s. 13.48 (13), construction or establishment of facilities for the
22 institution are not subject to the ordinances or regulations relating to zoning,
23 including zoning under ch. 91, of the county and municipality in which the
24 construction or establishment takes place and are exempt from inspections required
25 under s. 301.36.

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1 **SECTION 3334.** 301.048 (4) (b) of the statutes is amended to read:

2 301.048 (4) (b) The department shall operate the program as a correctional
3 institution. The secretary may allocate and reallocate existing and future facilities
4 as part of the institution. The institution is subject to s. 301.02 and is a state prison
5 ~~as defined in~~ under s. 302.01. Construction or establishment of the institution shall
6 be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the
7 exemptions under s. 13.48 (13), construction or establishment of facilities for the
8 institution are not subject to the ordinances or regulations relating to zoning,
9 including zoning under ch. 91, of the county and municipality in which the
10 construction or establishment takes place and are exempt from inspections required
11 under s. 301.36.

12 **SECTION 3335.** 301.13 of the statutes is amended to read:

13 **301.13 Minimum security correctional institutions.** The department
14 may establish and operate minimum security correctional institutions. The
15 secretary may allocate and reallocate existing and future facilities as part of these
16 institutions. The institutions are subject to s. 301.02 and are state prisons ~~as defined~~
17 ~~in~~ under s. 302.01. Inmates from Wisconsin state prisons may be transferred to these
18 institutions and they shall be subject to all laws pertaining to inmates of other penal
19 institutions of the state. Officers and employees of the institutions shall be subject
20 to the same laws as pertain to other penal institutions. Inmates shall not be received
21 on direct commitment from the courts. In addition to the exemptions under s. 13.48
22 (13), construction or establishment of facilities at institutions which are community
23 correctional residential centers initially established prior to July 2, 1983, shall not
24 be subject to the ordinances or regulations relating to zoning, including zoning under
25 ch. 91, of the county and municipality in which the construction or establishment

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1 takes place. The department shall establish a procedure for soliciting responses from
2 interested communities and persons regarding potential sites for the institutions
3 under this section, except the procedure does not apply to the 125-bed community
4 correctional center in the city of Waupun. The department shall consider locations
5 proposed under this procedure and may consider any other locations on its own
6 initiative. The department need not promulgate rules regarding the site
7 consideration procedures under this section.

8 **SECTION 3336.** 301.16 (1s) of the statutes is created to read:

9 301.16 (1s) In addition to the institutions under sub. (1), the department shall
10 establish a medium security correctional institution that is a part of the correctional
11 facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and that is
12 located in Redgranite.

13 **SECTION 3337.** 301.16 (1t) of the statutes is created to read:

14 301.16 (1t) In addition to the institutions under sub. (1), the department shall
15 establish a medium security correctional institution that is a part of the correctional
16 facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and that is
17 located in New Lisbon.

18 **SECTION 3338.** 301.26 (4) (b) of the statutes is amended to read:

19 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
20 the basis of the per person per day cost estimate specified in par. (d) 2. ~~to 4.~~ and 3.
21 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
22 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
23 jurisdiction under chs. 48 and 938 for each person receiving services from the
24 department of corrections under s. 48.366, 938.183, or 938.34 or the department of
25 health and family services under s. 46.057 or 51.35 (3). Except as provided in pars.

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1 (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency within
2 the jurisdiction shall be liable for costs under this subsection. Assessment of costs
3 under par. (a) shall also be made according to the general placement type or level of
4 care provided, as defined by the department, and prorated according to the ratio of
5 the amount designated under sub. (3) (c) to the total applicable estimated costs of
6 care, services, and supplies provided by the department of corrections under ss.
7 48.366, 938.183, and 938.34 and the department of health and family services under
8 s. 46.057 or 51.35 (3).

9 **SECTION 3339.** 301.26 (4) (cm) 3. of the statutes is amended to read:

10 301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile
11 correctional services under this paragraph shall be equal to the per person daily cost
12 assessment to counties under par. (d) 2. ~~to 4.~~ and 3. for juvenile correctional services.

13 **SECTION 3340.** 301.26 (4) (d) 2. of the statutes is amended to read:

14 301.26 (4) (d) 2. Beginning on July 1, ~~1999~~ 2001, and ending on ~~December 31,~~
15 ~~1999~~ June 30, 2002, the per person daily cost assessment to counties shall be \$153.01
16 \$171.16 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19),
17 ~~\$153.01~~ \$171.16 for care for juveniles transferred from a juvenile correctional
18 institution under s. 51.35 (3), ~~\$183.72 for care in a child-caring institution, including~~
19 ~~a secured child-caring institution, \$118.93 for care in a group home for children,~~
20 ~~\$26.17 for care in a foster home, \$75.37 for care in a treatment foster home, \$72.66~~
21 \$82.89 for departmental corrective sanctions services, and ~~\$19.76~~ \$23.25 for
22 departmental aftercare services.

23 **SECTION 3341.** 301.26 (4) (d) 3. of the statutes is amended to read:

24 301.26 (4) (d) 3. ~~In calendar year 2000~~ Beginning on July 1, 2002, and ending
25 on June 30, 2003, the per person daily cost assessment to counties shall be \$153.55

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1 \$176.06 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19),
2 ~~\$153.55~~ \$176.06 for care for juveniles transferred from a juvenile correctional
3 institution under s. 51.35 (3), ~~\$187.21 for care in a child caring institution, including~~
4 ~~a secured child caring institution, \$121.19 for care in a group home for children,~~
5 ~~\$26.67 for care in a foster home, \$76.80 for care in a treatment foster home, \$74.68~~
6 \$84.87 for departmental corrective sanctions services, and ~~\$19.15~~ \$23.80 for
7 departmental aftercare services.

8 **SECTION 3342.** 301.26 (4) (d) 4. of the statutes is repealed.

9 **SECTION 3343.** 301.26 (7) (intro.) of the statutes is amended to read:

10 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
11 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
12 department shall allocate funds for community youth and family aids for the period
13 beginning on July 1, ~~1999~~ 2001, and ending on June 30, ~~2001~~ 2003, as provided in
14 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

15 **SECTION 3344.** 301.26 (7) (a) (intro.) of the statutes is amended to read:

16 301.26 (7) (a) (intro.) For community youth and family aids under this section,
17 amounts not to exceed \$42,091,800 for the last 6 months of ~~1999~~ 2001, \$85,183,700
18 for ~~2000~~ 2002 and \$43,091,900 for the first 6 months of ~~2001~~ 2003. Of those amounts,
19 the department shall allocate \$1,000,000 for the last 6 months of ~~1999~~ 2001,
20 \$3,000,000 for ~~2000~~ 2002 and \$2,000,000 for the first 6 months of ~~2001~~ 2003 to
21 counties based on each of the following factors weighted equally:

22 **SECTION 3345.** 301.26 (7) (e) of the statutes is amended to read:

23 301.26 (7) (e) For emergencies related to community youth and family aids
24 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~1999~~
25 2001, \$250,000 for ~~2000~~ 2002 and \$125,000 for the first 6 months of ~~2001~~ 2003. A

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1 county is eligible for payments under this paragraph only if it has a population of not
2 more than 45,000.

3 **SECTION 3346.** 301.26 (7) (h) of the statutes is amended to read:

4 301.26 (7) (h) For counties that are participating in the corrective sanctions
5 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~1999~~ 2001,
6 \$2,124,800 in ~~2000~~ 2002 and \$1,062,400 in the first 6 months of ~~2001~~ 2003 for the
7 provision of corrective sanctions services for juveniles from that county. In
8 distributing funds to counties under this paragraph, the department shall determine
9 a county's distribution by dividing the amount allocated under this paragraph by the
10 number of slots authorized for the program under s. 938.533 (2) and multiplying the
11 quotient by the number of slots allocated to that county by agreement between the
12 department and the county. The department may transfer funds among counties as
13 necessary to distribute funds based on the number of slots allocated to each county.

14 **SECTION 3347.** 301.26 (8) of the statutes is amended to read:

15 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
16 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
17 6 months of ~~1999~~ 2001, \$1,333,400 in ~~2000~~ 2002 and \$666,700 in the first 6 months
18 of ~~2001~~ 2003 for alcohol and other drug abuse treatment programs.

19 **SECTION 3348.** 301.265 (title) of the statutes is repealed.

20 **SECTION 3349.** 301.265 (1) of the statutes is renumbered 16.964 (8) (a) and
21 amended to read:

22 16.964 (8) (a) From the appropriations under s. ~~20.410 (3) (d) and (kj)~~ 20.505
23 (6) (a) and (k), the department office shall allocate \$500,000 in each fiscal year to
24 enter into a contract with an organization to provide services in a county having a
25 population of 500,000 or more for the diversion of youths from gang activities into

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1 productive activities, including placement in appropriate educational, recreational,
2 and employment programs. Notwithstanding s. 16.75, the department office may
3 enter into a contract under this subsection paragraph without soliciting bids or
4 proposals and without accepting the lowest responsible bid or offer.

5 **SECTION 3350.** 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and
6 amended to read:

7 16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (kp)~~ 20.505 (6) (km),
8 the department office may not distribute more than \$300,000 in each fiscal year to
9 the organization that it has contracted with under ~~sub. (1) par. (a)~~ for alcohol and
10 other drug abuse education and treatment services for participants in that
11 organization's youth diversion program.

12 **SECTION 3351.** 301.265 (3) of the statutes is renumbered 16.964 (8) (c) and
13 amended to read:

14 16.964 (8) (c) From the appropriations under s. ~~20.410 (3) (d) and (kj)~~ 20.505
15 (6) (a) and (k), the department office shall allocate \$150,000 in each fiscal year to
16 enter into a contract with an organization to provide services in Racine County,
17 \$150,000 in each fiscal year to enter into a contract with an organization to provide
18 services in Kenosha County, \$150,000 in each fiscal year to enter into a contract with
19 an organization that is located in ward 1 in the city of Racine to provide services in
20 Racine County, and \$150,000 in each fiscal year to enter into a contract with an
21 organization to provide services in Brown County, for the diversion of youths from
22 gang activities into productive activities, including placement in appropriate
23 educational, recreational, and employment programs, and for alcohol or other drug
24 abuse education and treatment services for participants in that organization's youth
25 diversion program. The organization that is located in ward 1 in the city of Racine

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1 shall have a recreational facility, shall offer programs to divert youths from gang
2 activities, may not be affiliated with any national or state association, and may not
3 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.
4 16.75, the ~~department~~ office may enter into a contract under this subsection
5 paragraph without soliciting bids or proposals and without accepting the lowest
6 responsible bid or offer.

7 **SECTION 3352.** 301.28 (1) of the statutes is amended to read:

8 301.28 (1) In this section, “correctional officer” means any person classified as
9 a correctional officer employed by the state whose principal duty is the supervision
10 of inmates at a prison, ~~as defined~~ listed in s. 302.01.

11 **SECTION 3353.** 302.01 of the statutes is amended to read:

12 **302.01 State prisons named and defined listed.** The penitentiary
13 correctional institution at Waupun is named “Waupun Correctional Institution”.
14 The correctional treatment center at Waupun is named “Dodge Correctional
15 Institution”. The penitentiary correctional institution at Green Bay is named “Green
16 Bay Correctional Institution”. The medium/maximum penitentiary correctional
17 institution at Portage is named “Columbia Correctional Institution”. The medium
18 security institution at Oshkosh is named “Oshkosh Correctional Institution”. The
19 medium security penitentiary correctional institution near Fox Lake is named “Fox
20 Lake Correctional Institution”. The penitentiary correctional institution at
21 Taycheedah is named “Taycheedah Correctional Institution”. The medium security
22 penitentiary correctional institution at Plymouth is named “Kettle Moraine
23 Correctional Institution”. The penitentiary correctional institution at the village of
24 Sturtevant in Racine county is named “Racine Correctional Institution”. The
25 medium security correctional institution near Black River Falls is named “Jackson

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1 Correctional Institution.” The medium security ~~penitentiary~~ correctional institution
2 at Racine is named “Racine Youthful Offender Correctional Facility”. The resource
3 facility at Oshkosh is named “Wisconsin Resource Center”. The institutions named
4 in this section, the medium security correctional institutions at Redgranite and New
5 Lisbon, the correctional institutions authorized under s. 301.16 (1n) and (1v), the
6 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the
7 correctional institution authorized under s. 301.046 (1), the correctional institution
8 authorized under s. 301.048 (4) (b), minimum security correctional institutions
9 authorized under s. 301.13, the probation and parole holding facilities authorized
10 under s. 301.16 (1q), any correctional institution that has been constructed by a
11 private person and leased or purchased by the state for use by the department, and
12 state-local shared correctional facilities, when established under s. 301.14, are state
13 prisons.

14 **SECTION 3354.** 302.045 (3) of the statutes is amended to read:

15 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department
16 determines that an inmate serving a sentence other than one imposed under s.
17 973.01 has successfully completed the challenge incarceration program, the parole
18 commission shall parole the inmate for that sentence under s. 304.06, regardless of
19 the time the inmate has served, ~~unless the person is serving a sentence imposed~~
20 ~~under s. 973.01.~~ When the parole commission grants parole under this subsection,
21 it must require the parolee to participate in an intensive supervision program for
22 drug abusers as a condition of parole.

23 **SECTION 3355.** 302.11 (1z) of the statutes is amended to read:

24 302.11 (1z) An inmate who is sentenced to a term of confinement in prison
25 under s. 973.01 for a felony that is committed on or after December 31, 1999, or a

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1 misdemeanor committed on or after the effective date of this subsection ... [revisor
2 inserts date], is not entitled under this section to mandatory release on parole under
3 this section that sentence.

4 **SECTION 3356.** 302.11 (2m) of the statutes is created to read:

5 302.11 **(2m)** (a) The secretary may release an inmate who is sentenced to the
6 Wisconsin state prisons for a crime committed before December 31, 1999, other than
7 a person sentenced to life imprisonment, on a conditional medical parole if all of the
8 following conditions are met:

9 1. The warden of the correctional institution in which the inmate is confined
10 makes a request to the secretary that the inmate be released on conditional medical
11 parole.

12 2. The warden provides the secretary with the inmate's age, offense for which
13 committed, medical condition, health care needs, security classification, potential
14 risk for violence, and appropriate level of community supervision and possible
15 alternative community placements.

16 3. The inmate is seriously ill or terminally ill and the secretary determines that
17 the release of the inmate would not pose a risk of harm to any person.

18 4. The secretary determines that the inmate's health care costs are likely to be
19 paid by the federal medicare program, a veteran's program, medical assistance, or
20 another federal or state medical program, or by the inmate.

21 5. The department complies with par. (d).

22 (b) An offender's conditional medical parole may be revoked if the offender
23 violates any condition or rule of the conditional medical parole.

24 (c) The department shall promulgate rules for the conditional medical parole
25 program, including eligibility criteria, procedures for the secretary to use in deciding

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1 whether to grant a prisoner a conditional medical parole, procedures to follow when
2 revoking a conditional medical parole, and conditions of the conditional medical
3 parole.

4 (d) The department shall follow the procedures for notification under s.
5 304.063.

6 **SECTION 3357.** 302.11 (3) of the statutes is amended to read:

7 302.11 (3) All consecutive sentences imposed for crimes committed before
8 December 31, 1999, shall be computed as one continuous sentence.

9 **SECTION 3358.** 302.11 (6) of the statutes is amended to read:

10 302.11 (6) Any inmate released on parole under sub. (1) ~~or~~, (1g) (b), or (2m) or
11 s. 304.02 or 304.06 (1) is subject to all conditions and rules of parole until the
12 expiration of the sentence or until he or she is discharged by the department. Except
13 as provided in ch. 304, releases from prison shall be on the Tuesday or Wednesday
14 preceding the release date. The department may discharge a parolee on or after his
15 or her mandatory release date or after 2 years of supervision. Any inmate sentenced
16 to the intensive sanctions program who is released on parole under sub. (1) or (2m)
17 or s. 304.02 or 304.06 (1) remains in the program unless discharged by the
18 department under s. 301.048 (6) (a).

19 **SECTION 3359.** 302.11 (7) (a) of the statutes is renumbered 302.11 (7) (am) and
20 amended to read:

21 302.11 (7) (am) ~~The division of hearings and appeals in the department of~~
22 ~~administration, upon proper notice and hearing, or the department of corrections, if~~
23 ~~the parolee waives a hearing,~~ reviewing authority may return a parolee released
24 under sub. (1) ~~or~~, (1g) (b), or (2m) or s. 304.02 or 304.06 (1) to prison for a period up
25 to the remainder of the sentence for a violation of the conditions of parole. The

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1 remainder of the sentence is the entire sentence, less time served in custody prior to
2 parole. The revocation order shall provide the parolee with credit in accordance with
3 ss. 304.072 and 973.155.

4 **SECTION 3360.** 302.11 (7) (ag) of the statutes is created to read:

5 302.11 (7) (ag) In this subsection “reviewing authority” means the division of
6 hearings and appeals in the department of administration, upon proper notice and
7 hearing, or the department of corrections, if the parolee waives a hearing.

8 **SECTION 3361.** 302.11 (7) (b) of the statutes is amended to read:

9 302.11 (7) (b) A parolee returned to prison for violation of the conditions of
10 parole shall be incarcerated for the entire period of time determined by the
11 department of corrections in the case of a waiver or the division of hearings and
12 appeals in the department of administration in the case of a hearing under par. (a),
13 reviewing authority unless paroled earlier under par. (c). The parolee is not subject
14 to mandatory release under sub. (1) or presumptive mandatory release under sub.
15 (1g). The period of time determined under par. (a) (am) may be extended in
16 accordance with subs. (1q) and (2).

17 **SECTION 3362.** 302.11 (7) (c) of the statutes is amended to read:

18 302.11 (7) (c) The parole commission may subsequently parole, under s. 304.06
19 (1), and the department may subsequently parole, under sub. (2m) or s. 304.02, a
20 parolee who is returned to prison for violation of a condition of parole.

21 **SECTION 3363.** 302.11 (7) (d) of the statutes is amended to read:

22 302.11 (7) (d) A parolee who is subsequently released either after service of the
23 period of time determined by the department of corrections in the case of a waiver
24 or the division of hearings and appeals in the department of administration in the
25 case of a hearing under par. (a) reviewing authority or by a grant of parole under par.

SENATE BILL 55**SECTION 3363**

1 (c) is subject to all conditions and rules of parole until expiration of sentence or
2 discharge by the department.

3 **SECTION 3364.** 302.11 (7) (e) of the statutes is created to read:

4 302.11 (7) (e) A reviewing authority may consolidate proceedings before it
5 under par. (am) with other proceedings before that reviewing authority under par.
6 (am) or s. 302.113 (9) (am) or 302.114 (9) (am) if all of the proceedings relate to the
7 parole or extended supervision of the same person.

8 **SECTION 3365.** 302.11 (10) of the statutes is amended to read:

9 302.11 (10) An inmate subject to an order under s. 48.366 ~~or 938.34 (4h)~~ is not
10 entitled to mandatory release and may be released or discharged only as provided
11 under s. 48.366 ~~or 938.538~~.

12 **SECTION 3366.** 302.113 (2m) of the statutes is created to read:

13 302.113 (2m) (a) The secretary may reduce the term of confinement of the
14 bifurcated sentence of an inmate who is serving a bifurcated sentence under s. 973.01
15 and may release the inmate on conditional medical extended supervision if all of the
16 following conditions are met:

17 1. The warden of the correctional institution in which the inmate is confined
18 makes a request to the secretary that the inmate be released on conditional medical
19 extended supervision.

20 2. The warden provides the secretary with the inmate's age, offense for which
21 committed, medical condition, health care needs, security classification, potential
22 risk for violence, and appropriate level of community supervision and possible
23 alternative community placements.

24 3. The inmate is seriously ill or terminally ill and the secretary determines that
25 the release of the inmate would not pose a risk of harm to any person.

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1 4. The secretary determines that the inmate's health care costs are likely to be
2 paid by the federal medicare program, a veteran's program, medical assistance, or
3 another federal or state medical program, or by the inmate.

4 5. The department complies with par. (e).

5 (b) An inmate released on conditional medical extended supervision shall have
6 his or her period of extended supervision increased by the amount that his or her
7 term of confinement is reduced.

8 (c) An offender's conditional medical extended supervision may be revoked if
9 the offender violates a condition or rule of the conditional medical extended
10 supervision.

11 (d) The department shall promulgate rules for the conditional medical
12 extended supervision program, including eligibility criteria, procedures for the
13 secretary to use in deciding whether to grant a prisoner conditional medical extended
14 supervision, procedures to follow when revoking a conditional medical extended
15 supervision, and conditions of the conditional medical extended supervision.

16 (e) The department shall follow the procedures for notification under s.
17 304.063.

18 **SECTION 3367.** 302.113 (4) of the statutes is amended to read:

19 302.113 (4) All consecutive sentences imposed for crimes committed on or after
20 December 31, 1999, shall be computed as one continuous sentence. The person shall
21 serve any term of extended supervision after serving all terms of confinement in
22 prison.

23 **SECTION 3368.** 302.113 (8m) of the statutes is created to read:

24 302.113 (8m) Every person released to extended supervision under this section
25 remains in the legal custody of the department. If the department alleges that any

SENATE BILL 55**SECTION 3368**

1 condition or rule of extended supervision has been violated by the person, the
2 department may take physical custody of the person for the investigation of the
3 alleged violation.

4 **SECTION 3369.** 302.113 (9) (a) of the statutes is renumbered 302.113 (9) (am)
5 and amended to read:

6 302.113 (9) (am) If a person released to extended supervision under this section
7 violates a condition of extended supervision, the ~~division of hearings and appeals in~~
8 ~~the department of administration, upon proper notice and hearing, or the~~
9 ~~department of corrections, if the person on extended supervision waives a hearing,~~
10 reviewing authority may revoke the person's extended supervision of the person and
11 ~~return the person to prison. If. Upon revocation,~~ the person is returned to prison,
12 ~~he or she~~ shall be returned to prison for any specified period of time that does not
13 exceed the time remaining on the bifurcated sentence. The time remaining on the
14 bifurcated sentence is the total length of the bifurcated sentence, less time served by
15 the person in custody confinement under the sentence before release to extended
16 supervision under sub. (2) and less all time served in confinement for previous
17 revocations of extended supervision under the sentence. The revocation order shall
18 provide the person on whose extended supervision is revoked with credit in
19 accordance with ss. 304.072 and 973.155.

20 **SECTION 3370.** 302.113 (9) (ag) of the statutes is created to read:

21 302.113 (9) (ag) In this subsection "reviewing authority" means the division of
22 hearings and appeals in the department of administration, upon proper notice and
23 hearing, or the department of corrections, if the person on extended supervision
24 waives a hearing.

25 **SECTION 3371.** 302.113 (9) (b) of the statutes is amended to read:

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1 302.113 (9) (b) A person who is returned to prison after revocation of extended
2 supervision shall be incarcerated for the entire period of time specified by the
3 department of corrections in the case of a waiver or by the division of hearings and
4 appeals in the department of administration in the case of a hearing under par. (a)
5 reviewing authority. The period of time specified under par. (a) (am) may be extended
6 in accordance with sub. (3). If a person is returned to prison under par. (am) for a
7 period of time that is less than the time remaining on the bifurcated sentence, the
8 person shall be released to extended supervision after he or she has served the period
9 of time specified under par. (am) and any extensions imposed under sub. (3).

10 **SECTION 3372.** 302.113 (9) (c) of the statutes is amended to read:

11 302.113 (9) (c) A person who is subsequently released to extended supervision
12 after service of the period of time specified by the department of corrections in the
13 case of a waiver or by the division of hearings and appeals in the department of
14 administration in the case of a hearing under par. (a) reviewing authority is subject
15 to all conditions and rules under sub. (7) until the expiration of the term of remaining
16 extended supervision portion of the bifurcated sentence. The remaining extended
17 supervision portion of the bifurcated sentence is the total length of the bifurcated
18 sentence, less the time served by the person in confinement under the bifurcated
19 sentence before release to extended supervision under sub. (2) and less all time
20 served in confinement for any revocation of extended supervision under the
21 bifurcated sentence.

22 **SECTION 3373.** 302.113 (9) (d) of the statutes is created to read:

23 302.113 (9) (d) When determining under pars. (am) and (c) the amount of time
24 a person has served in confinement before release to extended supervision or the
25 amount of time a person has served in confinement for a revocation of extended

SENATE BILL 55**SECTION 3373**

1 supervision, the reviewing authority shall include any extensions imposed under
2 sub. (3).

3 **SECTION 3374.** 302.113 (9) (e) of the statutes is created to read:

4 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of
5 hearings and appeals in the department of administration, the hearing examiner
6 may order the taking and allow the use of a videotaped deposition under s. 967.04
7 (7) to (10).

8 **SECTION 3375.** 302.113 (9) (f) of the statutes is created to read:

9 302.113 (9) (f) A reviewing authority may consolidate proceedings before it
10 under par. (am) with other proceedings before that reviewing authority under par.
11 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the
12 parole or extended supervision of the same person.

13 **SECTION 3376.** 302.113 (9) (g) of the statutes is created to read:

14 302.113 (9) (g) If there is a hearing under par. (am) before the division of
15 hearings and appeals in the department of administration, the person on extended
16 supervision may seek review of a decision to revoke extended supervision and the
17 department of corrections may seek review of a decision to not revoke extended
18 supervision. Review of a decision under this paragraph may be sought only by an
19 action for certiorari.

20 **SECTION 3377.** 302.114 (4) of the statutes is amended to read:

21 302.114 (4) All consecutive sentences imposed for crimes committed on or after
22 December 31, 1999, shall be computed as one continuous sentence. An inmate
23 subject to this section shall serve any term of extended supervision after serving all
24 terms of confinement in prison.

25 **SECTION 3378.** 302.114 (8m) of the statutes is created to read:

SENATE BILL 55**SECTION 3378**

1 302.114 **(8m)** Every person released to extended supervision under this section
2 remains in the legal custody of the department. If the department alleges that any
3 condition or rule of extended supervision has been violated by the person, the
4 department may take physical custody of the person for the investigation of the
5 alleged violation.

6 **SECTION 3379.** 302.114 (9) (a) of the statutes is renumbered 302.114 (9) (am)
7 and amended to read:

8 302.114 **(9)** (am) If a person released to extended supervision under this section
9 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
10 ~~the department of administration, upon proper notice and hearing, or the~~
11 ~~department of corrections, if the person on extended supervision waives a hearing,~~
12 reviewing authority may revoke the person's extended supervision of the person and
13 return the person to prison. ~~If. Upon revocation, the person is returned to prison,~~
14 ~~he or she~~ shall be returned to prison for a specified period of time, as provided under
15 par. (b).

16 **SECTION 3380.** 302.114 (9) (ag) of the statutes is created to read:

17 302.114 **(9)** (ag) In this subsection "reviewing authority" has the meaning given
18 in s. 302.113 (9) (ag).

19 **SECTION 3381.** 302.114 (9) (b) of the statutes is amended to read:

20 302.114 **(9)** (b) If a person is returned to prison under par. ~~(a)~~ (am) after
21 revocation of extended supervision, ~~the department of corrections in the case of a~~
22 ~~waiver or the division of hearings and appeals in the department of administration~~
23 ~~in the case of a hearing under par. (a)~~ reviewing authority shall specify a period of
24 time for which the person shall be incarcerated before being eligible for release to

SENATE BILL 55**SECTION 3381**

1 extended supervision. The period of time specified under this paragraph may not be
2 less than 5 years and may be extended in accordance with sub. (3).

3 **SECTION 3382.** 302.114 (9) (bm) of the statutes is amended to read:

4 302.114 (9) (bm) A person who is returned to prison under par. (a) (am) after
5 revocation of extended supervision may, upon petition to the sentencing court, be
6 released to extended supervision after he or she has served the entire period of time
7 specified in par. (b), including any periods of extension imposed under sub. (3). A
8 person may not file a petition under this paragraph earlier than 90 days before the
9 date on which he or she is eligible to be released to extended supervision. If a person
10 files a petition for release to extended supervision under this paragraph at any time
11 earlier than 90 days before the date on which he or she is eligible to be released to
12 extended supervision, the court shall deny the petition without a hearing. The
13 procedures specified in sub. (5) (am) to (f) apply to a petition filed under this
14 paragraph.

15 **SECTION 3383.** 302.114 (9) (d) of the statutes is created to read:

16 302.114 (9) (d) If a hearing is to be held under par. (am) before the division of
17 hearings and appeals in the department of administration, the hearing examiner
18 may order the taking and allow the use of a videotaped deposition under s. 967.04
19 (7) to (10).

20 **SECTION 3384.** 302.114 (9) (e) of the statutes is created to read:

21 302.114 (9) (e) A reviewing authority may consolidate proceedings before it
22 under par. (am) with other proceedings before that reviewing authority under par.
23 (am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the
24 parole or extended supervision of the same person.

25 **SECTION 3385.** 302.114 (9) (f) of the statutes is created to read:

SENATE BILL 55**SECTION 3385**

1 302.114 (9) (f) If there is a hearing under par. (am) before the division of
2 hearings and appeals in the department of administration, the person on extended
3 supervision may seek review of a decision to revoke extended supervision and the
4 department of corrections may seek review of a decision to not revoke extended
5 supervision. Review of a decision under this paragraph may be sought only by an
6 action for certiorari.

7 **SECTION 3386.** 302.18 (7) of the statutes is amended to read:

8 302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all
9 ~~prisoners~~ a person under 15 years of age who has been sentenced to the Wisconsin
10 state prisons in a secured juvenile correctional facilities or facility or a secured child
11 caring institutions institution, but the department may transfer ~~them~~ that person
12 to an adult correctional institutions institution after they attain the person attains
13 15 years of age.

14 **SECTION 3387.** 302.255 of the statutes is amended to read:

15 **302.255 Interstate corrections compact; additional applicability.**
16 “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order
17 under s. 48.366 who are confined to a state prison under s. 302.01 ~~and persons subject~~
18 ~~to an order under s. 938.34 (4h) who are 17 years of age or older.~~

19 **SECTION 3388.** 302.386 (3) (a) of the statutes is amended to read:

20 302.386 (3) (a) Except as provided in par. (b), the department may require a
21 resident housed in a prison identified in s. 302.01 or in a secured correctional facility,
22 as defined in s. 938.02 (15m), ~~who earns wages during residency and who receives~~
23 ~~medical or dental services to pay a deductible, coinsurance, copayment, or similar~~
24 ~~charge upon the medical or dental service that he or she receives. The department~~
25 shall collect the allowable deductible, coinsurance, copayment, or similar charge.

SENATE BILL 55**SECTION 3389**

1 **SECTION 3389.** 302.386 (5) (d) of the statutes is amended to read:

2 302.386 (5) (d) Any participant in the serious juvenile offender program under
3 s. 938.538 unless ~~he or she~~ the participant is placed in a Type 1 secured correctional
4 facility, as defined in s. 938.02 (19), ~~or in a Type 1 prison other than the institution~~
5 ~~authorized under s. 301.046 (1).~~

6 **SECTION 3390.** 304.11 (3) of the statutes is amended to read:

7 304.11 (3) If upon inquiry it further appears to the governor that the convicted
8 person has violated or failed to comply with any of those conditions, the governor may
9 issue his or her warrant remanding the person to the institution from which
10 discharged, and the person shall be confined and treated as though no pardon had
11 been granted, except that the person loses any applicable good time which he or she
12 had earned. If the person is returned to prison, the person is subject to the same
13 limitations as a revoked parolee under s. 302.11 (7). The department shall determine
14 the period of incarceration under s. 302.11 (7) (a) (am). If the governor determines
15 the person has not violated or failed to comply with the conditions, the person shall
16 be discharged subject to the conditional pardon.

17 **SECTION 3391.** 341.135 (1) of the statutes is amended to read:

18 341.135 (1) DESIGN. Every ~~6th~~ 7th year, the department shall establish new
19 designs of registration plates to be issued under ss. 341.14 (1a), (1m), (1q), (2), (2m),
20 (6m) ~~or, and~~ (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2)
21 and (3) (a) 1. and (am). Any design for registration plates issued for automobiles and
22 for vehicles registered on the basis of gross weight shall comply with the applicable
23 design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c). The designs for
24 registration plates specified in this subsection shall be as similar in appearance as
25 practicable during each ~~6-year~~ 7-year design interval. Each registration plate

SENATE BILL 55**SECTION 3391**

1 issued under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h),
2 or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) during each ~~6-year~~ 7-year
3 design interval shall be of the design established under this subsection. The
4 department may not redesign registration plates for the special ~~group~~ groups under
5 s. 341.14 (6r) (f) ~~53., 54., or 55.~~ until ~~January 1, 2005~~ July 1, 2007. Except for
6 registration plates issued under s. 341.14 (6r) (f) 53., 54., or 55., the first design cycle
7 for registration plates issued under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m), and
8 (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a)
9 1. and (am) began July 1, 2000.

10 **SECTION 3392.** 341.135 (2) (a) 1. of the statutes is amended to read:

11 341.135 (2) (a) 1. Beginning with registrations initially effective on
12 July 1, 2000, upon receipt of a completed application to initially register a vehicle
13 under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) ~~53.,~~
14 ~~54., or 55.~~, or s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a)
15 1. or (am), the department shall issue and deliver prepaid to the applicant 2 new
16 registration plates of the design established under sub. (1).

17 **SECTION 3393.** 341.135 (2) (a) 2. of the statutes is amended to read:

18 341.135 (2) (a) 2. Notwithstanding s. 341.13 (3), beginning with registrations
19 initially effective on July 1, ~~2005~~ 2007, upon receipt of a completed application to
20 initially register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), or
21 s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a) 1. or (am), or
22 to renew the registration of a vehicle under those sections for which a registration
23 plate has not been issued during the previous ~~6~~ 7 years, the department shall issue
24 and deliver prepaid to the applicant 2 new registration plates of the design
25 established for that ~~6-year~~ 7-year period under sub. (1).

SENATE BILL 55**SECTION 3394**

1 **SECTION 3394.** 341.135 (2) (am) of the statutes is amended to read:

2 341.135 (2) (am) Notwithstanding ~~ss. s.~~ 341.13 (3) and (3m), beginning with
3 registrations initially effective on July 1, 2000, upon receipt of a completed
4 application to renew the registration of a vehicle registered under s. 341.14 (1a),
5 (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) ~~53., 54., or 55.~~, or s. 341.25
6 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) for which a registration plate of the design
7 established under sub. (1) has not been issued, the department may issue and deliver
8 prepaid to the applicant 2 new registration plates of the design established under
9 sub. (1). This paragraph does not apply to registration plates issued under s. 341.14
10 (6r) (f) 52., 1997 stats. This paragraph does not apply after June 30, ~~2005~~ 2007.

11 **SECTION 3395.** 341.135 (2) (e) of the statutes is amended to read:

12 341.135 (2) (e) The department shall issue new registration plates of the design
13 established under sub. (1) for every vehicle registered under s. 341.14 (1a), (1m), (1q),
14 (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2)
15 or (3) (a) 1. or (am) after ~~January 1, 2005~~ July 1, 2007.

16 **SECTION 3396.** 341.14 (2) of the statutes is amended to read:

17 341.14 (2) Upon compliance with the laws relating to registration of
18 automobiles and motor homes; motor trucks, dual purpose motor homes, and dual
19 purpose farm trucks which have a gross weight of not more than 8,000 pounds; and
20 farm trucks which have a gross weight of not more than 12,000 pounds, including
21 payment of the prescribed registration fees therefor plus an additional fee of \$10 \$15
22 when registration plates are issued accompanied by an application showing
23 satisfactory proof that the applicant is the holder of an unexpired amateur radio
24 station license issued by the federal communications commission, the department
25 shall issue registration plates on which, in lieu of the usual registration number,

SENATE BILL 55**SECTION 3396**

1 shall be inscribed in large legible form the call letters of such applicant as assigned
2 by the federal communications commission. The fee for reissuance of a plate under
3 this subsection shall be \$10 \$15.

4 **SECTION 3397.** 341.14 (2m) of the statutes is amended to read:

5 341.14 (2m) Upon compliance with laws relating to registration of motor
6 vehicles, including payment of the prescribed fee, and an additional fee of \$5 \$15
7 when the original or new registration plates are issued and accompanied by an
8 application showing satisfactory proof that the applicant has a collector's
9 identification number as provided in s. 341.266 (2) (d), the department shall issue
10 registration plates on which, in lieu of the usual registration number, shall be
11 inscribed the collector's identification number issued under s. 341.266 (2) (d). The
12 words "VEHICLE COLLECTOR" shall be inscribed across the lower or upper portion
13 of the plate at the discretion of the department. Additional registrations under this
14 subsection by the same collector shall bear the same collector's identification number
15 followed by a suffix letter for vehicle identification. Registration plates issued under
16 this subsection shall expire annually.

17 **SECTION 3398.** 341.14 (6) (d) of the statutes is amended to read:

18 341.14 (6) (d) For each additional vehicle, a person who maintains more than
19 one registration under this subsection at one time shall be charged a fee of \$10 \$15
20 for issuance or reissuance of the plates in addition to the annual registration fee for
21 the vehicle. Except as provided in par. (c), a motor truck or dual purpose farm truck
22 registered under this subsection shall be registered under this paragraph.

23 **SECTION 3399.** 341.14 (6) (e) of the statutes is repealed.

24 **SECTION 3400.** 341.14 (6m) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 3400**

1 341.14 **(6m)** (a) Upon application to register an automobile or motor truck
2 which has a gross weight of not more than 8,000 pounds by any person who is a
3 resident of this state and a member or retired member of the national guard, the
4 department shall issue to the person special plates whose colors and design shall be
5 determined by the department and which have the words "Wisconsin guard member"
6 placed on the plates in the manner designated by the department. The department
7 shall consult with or obtain the approval of the adjutant general with respect to any
8 word or symbol used to identify the national guard. An additional fee of \$10 \$15 shall
9 be charged for the issuance or reissuance of the plates. Registration plates issued
10 under this subsection shall expire annually.

11 **SECTION 3401.** 341.14 (6r) (b) 2. of the statutes is amended to read:

12 341.14 **(6r)** (b) 2. An additional fee of \$10 \$15 shall be charged for the issuance
13 or reissuance of the plates for special groups specified under par. (f) ~~1. to 34., 48., 49.~~
14 ~~and 51.~~

15 **SECTION 3402.** 341.14 (6r) (b) 3. of the statutes is amended to read:

16 341.14 **(6r)** (b) 3. An additional fee of \$15 shall be charged for the issuance or
17 reissuance of a plate issued ~~on an annual basis for a special group specified under~~
18 ~~par. (f) 35. to 47., 53., 54. or 55. or designated by the department under par. (fm). An~~
19 ~~additional fee of \$15 shall be charged for the issuance or reissuance of a plate issued~~
20 ~~on a biennial basis for a special group specified under par. (f) 35. to 47., 53., 54. or 55.~~
21 ~~or designated by the department under par. (fm) if the plate is issued during the first~~
22 ~~year of the biennial registration period or \$15 for the issuance or reissuance if the~~
23 ~~plate is issued during the 2nd year of the biennial registration period. The~~
24 department shall deposit in the general fund and credit to the appropriation account
25 under s. 20.395 (5) (cj) all fees collected under this subdivision ~~for the issuance or~~

SENATE BILL 55**SECTION 3402**

1 ~~reissuance of a plate for a special group designated by the department under par.~~
2 ~~(fm).~~

3 **SECTION 3403.** 341.14 (6r) (b) 4. of the statutes is amended to read:

4 341.14 **(6r)** (b) 4. An additional fee of \$20 that is in addition to the fee under
5 subd. 2. ~~or 3.~~ shall be charged for the issuance or renewal of a plate issued on an
6 annual basis for a special group specified under par. (f) 35. to 47. An additional fee
7 of \$40 that is in addition to the fee under subd. 2. ~~or 3.~~ shall be charged for the
8 issuance or renewal of a plate issued on a biennial basis for a special group specified
9 under par. (f) 35. to 47. if the plate is issued or renewed during the first year of the
10 biennial registration period or \$20 for the issuance or renewal if the plate is issued
11 or renewed during the 2nd year of the biennial registration period. The fee under
12 this subdivision is deductible as a charitable contribution for purposes of the taxes
13 under ch. 71.

14 **SECTION 3404.** 341.14 (6r) (b) 6. of the statutes is amended to read:

15 341.14 **(6r)** (b) 6. An additional fee of \$20 that is in addition to the fee under
16 subd. 3. 2. shall be charged for the issuance or renewal of a plate issued on an annual
17 basis for the special group specified under par. (f) 53. An additional fee of \$40 that
18 is in addition to the fee under subd. 3. 2. shall be charged for the issuance or renewal
19 of a plate issued on a biennial basis for the special group specified under par. (f) 53.
20 if the plate is issued or renewed during the first year of the biennial registration
21 period or \$20 for the issuance or renewal if the plate is issued or renewed during the
22 2nd year of the biennial registration period. All moneys received under this
23 subdivision in excess of the initial costs of data processing for the special group plate
24 under par. (f) 53. or \$35,000, whichever is less, shall be deposited in the children's

SENATE BILL 55**SECTION 3404**

1 trust fund. To the extent permitted under ch. 71, the fee under this subdivision is
2 deductible as a charitable contribution for purposes of the taxes under ch. 71.

3 **SECTION 3405.** 341.14 (6r) (b) 7. of the statutes is amended to read:

4 341.14 **(6r)** (b) 7. An additional fee of \$25 that is in addition to the fee under
5 subd. ~~3.~~ 2. shall be charged for the issuance or renewal of a plate issued on an annual
6 basis for the special group specified under par. (f) 54. An additional fee of \$50 that
7 is in addition to the fee under subd. ~~3.~~ 2. shall be charged for the issuance or renewal
8 of a plate issued on the biennial basis for the special group specified under par. (f) 54.
9 if the plate is issued or renewed during the first year of the biennial registration
10 period or \$25 for the issuance or renewal if the plate is issued or renewed during the
11 2nd year of the biennial registration period. All moneys received under this
12 subdivision in excess of the initial costs of production of the special group plate under
13 par. (f) 54. or \$196,700, whichever is less, shall be deposited in the conservation fund
14 and credited to the appropriation under s. 20.370 (5) (au). To the extent permitted
15 under ch. 71, the fee under this subdivision is deductible as a charitable contribution
16 for purposes of the taxes under ch. 71.

17 **SECTION 3406.** 341.14 (6r) (b) 8. (intro.) of the statutes is amended to read:

18 341.14 **(6r)** (b) 8. (intro.) An additional fee of \$25 that is in addition to the fee
19 under subd. ~~3.~~ 2. shall be charged for the issuance or renewal of a plate issued on an
20 annual basis for the special group specified under par. (f) 55. An additional fee of \$50
21 that is in addition to the fee under subd. ~~3.~~ 2. shall be charged for the issuance or
22 renewal of a plate issued on the biennial basis for the special group specified under
23 par. (f) 55. if the plate is issued or renewed during the first year of the biennial
24 registration period or \$25 for the issuance or renewal if the plate is issued or renewed
25 during the 2nd year of the biennial registration period. For each professional football

SENATE BILL 55**SECTION 3406**

1 team for which plates are produced under par. (f) 55., all moneys received under this
2 subdivision in excess of the initial costs of data processing for the special group plate
3 related to that team under par. (f) 55. or \$35,000, whichever is less, shall be deposited
4 in the general fund and credited as follows:

5 **SECTION 3407.** 341.14 (8) of the statutes is amended to read:

6 341.14 (8) If a special plate for a group associated with a branch of the armed
7 services or otherwise military in nature has been issued to a person under this
8 section, upon application by the surviving spouse of the person, the department may
9 permit the surviving spouse to retain the plate. If the plate has been returned to the
10 department or surrendered to another state, the department may reissue the plate
11 to the surviving spouse. The department shall charge an additional fee of \$10 \$15
12 to reissue the plate. This subsection does not apply to a special plate issued under
13 s. 341.14 (1) or (1r).

14 **SECTION 3408.** 342.14 (1r) of the statutes is repealed and recreated to read:

15 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
16 impact fee of \$6, by the person filing the application. All moneys collected under this
17 subsection shall be credited to the environmental fund for environmental
18 management. This subsection does not apply after September 30, 2003.

19 **SECTION 3409.** 343.06 (1) (d) of the statutes is amended to read:

20 343.06 (1) (d) To any person whose dependence on alcohol has attained such
21 a degree that it interferes with his or her physical or mental health or social or
22 economic functioning, or who is addicted to the use of controlled substances or
23 controlled substance analogs, except that the secretary may issue a license if the
24 person submits to an examination, evaluation or treatment in a treatment facility

SENATE BILL 55**SECTION 3409**

1 meeting the standards prescribed in s. ~~51.45 (8) (a)~~ 51.04 (1), as directed by the
2 secretary, in accordance with s. 343.16 (5).

3 **SECTION 3410.** 343.24 (2) (a) of the statutes is amended to read:

4 343.24 (2) (a) For each file search, ~~\$3~~ \$5.

5 **SECTION 3411.** 343.24 (2) (b) of the statutes is amended to read:

6 343.24 (2) (b) For each computerized search, ~~\$3~~ \$5.

7 **SECTION 3412.** 343.24 (2) (c) of the statutes is amended to read:

8 343.24 (2) (c) For each search requested by telephone, ~~\$4~~ \$6, or an established
9 monthly service rate determined by the department.

10 **SECTION 3413.** 343.24 (2m) of the statutes is amended to read:

11 343.24 (2m) If the department, in maintaining a computerized operating
12 record system, makes copies of its operating record file database, or a portion thereof,
13 on computer tape or other electronic media, copies of the tape or media may be
14 furnished to any person on request. The department may also furnish to any person
15 upon request records on computer tape or other electronic media that contain
16 information from files of uniform traffic citations or motor vehicle accidents and that
17 were produced for or developed by the department for purposes related to
18 maintenance of the operating record file database. The department shall charge a
19 fee of ~~\$3~~ \$5 for each file of vehicle operators' records contained in the tape or media.
20 The department shall charge a fee of not more than ~~\$3~~ \$5 for each file of uniform
21 traffic citations or motor vehicle accidents contained in the tape or media. Nothing
22 in this subsection requires the department to produce records of particular files or
23 data in a particular format except as those records or data are made by the
24 department for its purposes.

25 **SECTION 3414.** 343.245 (3m) (b) of the statutes is amended to read:

SENATE BILL 55**SECTION 3414**

1 343.245 **(3m)** (b) The department shall establish and collect reasonable fees
2 from employers in the program sufficient to defray the costs of instituting and
3 maintaining the program, including the registration and withdrawal of employees.
4 The fee for each notification by the department to an employer under par. (a) shall
5 be ~~\$3~~ \$5.

6 **SECTION 3415.** 343.30 (1q) (b) 3. of the statutes is amended to read:

7 343.30 **(1q)** (b) 3. Except as provided in subd. 4m., if the number of convictions
8 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
9 convictions, suspensions and revocations counted under s. 343.307 (1) within a
10 10-year period, equals 2, the court shall revoke the person's operating privilege for
11 not less than one year nor more than 18 months. ~~After the first 60 days of the~~
12 ~~revocation period~~ After one year of a revocation period of more than one year has
13 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she
14 has completed the assessment and is complying with the driver safety plan ordered
15 under par. (c).

16 **SECTION 3416.** 343.30 (1q) (b) 4. of the statutes is amended to read:

17 343.30 **(1q)** (b) 4. Except as provided in subd. 4m., if the number of convictions
18 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
19 convictions, suspensions and revocations counted under s. 343.307 (1), equals 3 or
20 more, the court shall revoke the person's operating privilege for not less than 2 years
21 nor more than 3 years. ~~After the first 90 days~~ one year of the revocation period has
22 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she
23 has completed the assessment and is complying with the driver safety plan ordered
24 under par. (c).

SENATE BILL 55**SECTION 3417**

1 **SECTION 3417.** 343.301 (1) (a) of the statutes, as created by 1999 Wisconsin Act
2 109, is amended to read:

3 343.301 (1) (a) If a person improperly refuses to take a test under s. 343.305
4 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one
5 or more prior convictions, suspensions or revocations, counting convictions under ss.
6 940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions and
7 revocations counted under s. 343.307 (1), the court ~~may~~ shall order that the person's
8 operating privilege for the operation of "Class D" vehicles be restricted to operating
9 "Class D" vehicles that are equipped with an ignition interlock device. This
10 paragraph does not apply if the court orders the immobilization of each motor vehicle
11 owned by the person under sub. (2), or, if the person has 2 or more prior convictions,
12 suspensions, or revocations for purposes of this paragraph, the court orders seizure
13 and forfeiture under s. 346.65 (6).

14 **SECTION 3418.** 343.301 (1) (b) of the statutes, as created by 1999 Wisconsin Act
15 109, is amended to read:

16 343.301 (1) (b) The court ~~may restrict~~ shall order the operating privilege
17 restriction under par. (a) for a period of not less than one year nor more than the
18 maximum operating privilege revocation period permitted for the refusal or
19 violation, beginning one year after the operating privilege revocation period began.

20 **SECTION 3419.** 343.301 (2) (a) of the statutes, as created by 1999 Wisconsin Act
21 109, is amended to read:

22 343.301 (2) (a) If a person improperly refuses to take a test under s. 343.305
23 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one
24 or more prior convictions, suspensions or revocations, counting convictions under ss.
25 940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions and

SENATE BILL 55**SECTION 3419**

1 revocations counted under s. 343.307 (1), the court ~~may~~ shall order that the ~~motor~~
2 ~~vehicle used during the refusal or violation and~~ each motor vehicle owned by the
3 person be immobilized. This paragraph does not apply if the court orders that the
4 person's operating privilege for the operation of "Class D" vehicles be restricted to
5 operating "Class D" vehicles that are equipped with an ignition interlock device
6 under sub. (1), or, if the person has 2 or more prior convictions, suspensions, or
7 revocations for purposes of this paragraph, the court orders seizure and forfeiture
8 under s. 346.65 (6).

9 **SECTION 3420.** 343.301 (2) (b) of the statutes, as created by 1999 Wisconsin Act
10 109, is amended to read:

11 343.301 (2) (b) The court ~~may~~ shall order the immobilization under par. (a) for
12 a period of not less than one year nor more than the maximum operating privilege
13 revocation period permitted for the refusal or violation, beginning on the first day of
14 the operating privilege revocation period.

15 **SECTION 3421.** 343.305 (10) (b) 3. of the statutes is amended to read:

16 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
17 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
18 convictions, suspensions and revocations counted under s. 343.307 (2) within a
19 10-year period, equals 2, the court shall revoke the person's operating privilege for
20 2 years. ~~After the first 90 days~~ one year of the revocation period has elapsed, the
21 person is eligible for an occupational license under s. 343.10 if he or she has
22 completed the assessment and is complying with the driver safety plan.

23 **SECTION 3422.** 343.305 (10) (b) 4. of the statutes is amended to read:

24 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions
25 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other

SENATE BILL 55**SECTION 3422**

1 convictions, suspensions and revocations counted under s. 343.307 (2), equals 3 or
2 more, the court shall revoke the person's operating privilege for 3 years. After the
3 ~~first 120 days~~ one year of the revocation period has elapsed, the person is eligible for
4 an occupational license under s. 343.10 if he or she has completed the assessment and
5 is complying with the driver safety plan.

6 **SECTION 3423.** 343.305 (10m) of the statutes, as affected by 1999 Wisconsin Act
7 109, is amended to read:

8 343.305 (10m) REFUSALS; SEIZURE, IMMOBILIZATION OR IGNITION INTERLOCK OF A
9 MOTOR VEHICLE. If the person whose operating privilege is revoked under sub. (10)
10 has one or more prior convictions, suspensions or revocations, as counted under s.
11 343.307 (1), the procedure under s. 343.301 shall be followed ~~if the court orders the~~
12 ~~immobilization of the motor vehicle used in the commission of the offense and owned~~
13 ~~by the person or if the court requires that the person's operating privilege for the~~
14 ~~operation of "Class D" vehicles be restricted to operating "Class D" vehicles equipped~~
15 ~~with an ignition interlock device.~~ If the number of convictions under ss. 940.09 (1)
16 and 940.25 in the lifetime of the person whose operating privilege is revoked under
17 sub. (10), plus the total number of other convictions, suspensions and revocations
18 counted under s. 343.307 (1), equals 2 or more, the procedure under s. 346.65 (6) shall
19 be followed if the court orders the seizure and forfeiture of the motor vehicle used in
20 the improper refusal and owned by the person.

21 **SECTION 3424.** 343.31 (3) (bm) 3. of the statutes is amended to read:

22 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions
23 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
24 suspensions, revocations and other convictions counted under s. 343.307 (1) within
25 a 10-year period, equals 2, the department shall revoke the person's operating

SENATE BILL 55**SECTION 3424**

1 privilege for not less than one year nor more than 18 months. If an Indian tribal court
2 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
3 for not less than one year nor more than 18 months for the conviction specified in par.
4 (bm) (intro.), the department shall impose the same period of revocation. ~~After the~~
5 ~~first 60 days of the revocation period~~ After one year of a revocation period of more
6 than one year has elapsed, the person is eligible for an occupational license under s.
7 343.10.

8 **SECTION 3425.** 343.31 (3) (bm) 4. of the statutes is amended to read:

9 343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions
10 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
11 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or
12 more, the department shall revoke the person's operating privilege for not less than
13 2 years nor more than 3 years. If an Indian tribal court in this state revokes the
14 person's privilege to operate a motor vehicle on tribal lands for not less than 2 years
15 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department
16 shall impose the same period of revocation. ~~After the first 90 days~~ one year of the
17 revocation period has elapsed, the person is eligible for an occupational license under
18 s. 343.10.

19 **SECTION 3426.** 343.31 (3m) (a) of the statutes is amended to read:

20 343.31 (3m) (a) Any person who has his or her operating privilege revoked
21 under sub. (3) (c) or (f) is eligible for an occupational license under s. 343.10 after the
22 first 120 days of the revocation period, except that if a person has one or more prior
23 convictions, suspensions, or revocations for any offense that is counted under s.
24 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one
25 year of the revocation period has elapsed.

SENATE BILL 55**SECTION 3427**

1 **SECTION 3427.** 343.31 (3m) (b) of the statutes is amended to read:

2 343.31 **(3m)** (b) Any person who has his or her operating privilege revoked
3 under sub. (3) (e) is eligible for an occupational license under s. 343.10 after the first
4 60 days of the revocation period, except that if a person has one or more prior
5 convictions, suspensions, or revocations for any offense that is counted under s.
6 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one
7 year of the revocation period has elapsed.

8 **SECTION 3428.** 345.26 (1) (b) 1. of the statutes is amended to read:

9 345.26 **(1)** (b) 1. If the person makes a deposit for a violation of a traffic
10 regulation, the person need not appear in court at the time fixed in the citation, and
11 the person will be deemed to have tendered a plea of no contest and submitted to a
12 forfeiture and a penalty assessment, if required by s. 757.05, a law enforcement
13 training fund assessment, if required by s. 165.87 (1), a jail assessment, if required
14 by s. 302.46 (1), a railroad crossing improvement assessment, if required by s.
15 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement
16 assessment, if required by s. 165.755, plus any applicable fees prescribed in ch. 814,
17 not to exceed the amount of the deposit that the court may accept as provided in s.
18 345.37; and

19 **SECTION 3429.** 345.26 (2) (b) of the statutes is amended to read:

20 345.26 **(2)** (b) In addition to the amount in par. (a), the deposit shall include
21 court costs, including any applicable fees prescribed in ch. 814, any applicable
22 penalty assessment, any applicable law enforcement training fund assessment, any
23 applicable jail assessment, any applicable railroad crossing improvement
24 assessment, and any applicable crime laboratories and drug law enforcement
25 assessment.

SENATE BILL 55**SECTION 3430**

1 **SECTION 3430.** 345.36 (2) (b) of the statutes is amended to read:

2 345.36 **(2)** (b) Deem the nonappearance a plea of no contest and enter judgment
3 accordingly. If the defendant has posted bond for appearance at that date, the court
4 may also order the bond forfeited. The court shall promptly mail a copy of the
5 judgment to the defendant. The judgment shall allow not less than 20 days from the
6 date thereof for payment of any forfeiture, penalty assessment, law enforcement
7 training fund assessment, jail assessment, railroad crossing improvement
8 assessment, crime laboratories and drug law enforcement assessment, and costs
9 imposed. If the defendant moves to open the judgment within 20 days after the date
10 set for trial, and shows to the satisfaction of the court that the failure to appear was
11 due to mistake, inadvertence, surprise, or excusable neglect, the court shall open the
12 judgment, reinstate the not guilty plea, and set a new trial date. The court may
13 impose costs under s. 814.07. The court shall immediately notify the department to
14 delete the record of conviction based upon the original judgment.

15 **SECTION 3431.** 345.37 (1) (b) of the statutes is amended to read:

16 345.37 **(1)** (b) Deem the nonappearance a plea of no contest and enter judgment
17 accordingly. If the defendant has posted bond for appearance at that date, the court
18 may also order the bond forfeited. The court shall promptly mail a copy or notice of
19 the judgment to the defendant. The judgment shall allow not less than 20 days from
20 the date thereof for payment of any forfeiture, penalty assessment, law enforcement
21 training fund assessment, railroad crossing improvement assessment, crime
22 laboratories and drug law enforcement assessment, and costs imposed. If the
23 defendant moves to open the judgment within 6 months after the court appearance
24 date fixed in the citation, and shows to the satisfaction of the court that the failure
25 to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court

SENATE BILL 55**SECTION 3431**

1 shall open the judgment, accept a not guilty plea, and set a trial date. The court may
2 impose costs under s. 814.07. The court shall immediately notify the department to
3 delete the record of conviction based upon the original judgment. If the offense
4 involved is a nonmoving traffic violation and the defendant is subject to s. 345.28 (5)
5 (c), a default judgment may be entered and opened as provided in s. 345.28 (5) (c).

6 **SECTION 3432.** 345.37 (2) of the statutes is amended to read:

7 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
8 serve as the initial pleading and the defendant shall be deemed to have tendered a
9 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
10 by s. 757.05, a law enforcement training fund assessment, if required by s. 165.87 (1),
11 a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement
12 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories
13 and drug law enforcement assessment, if required by s. 165.755, plus costs, including
14 any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.
15 The court may either accept the plea of no contest and enter judgment accordingly,
16 or reject the plea and issue a summons under ch. 968. If the defendant fails to appear
17 in response to the summons, the court shall issue a warrant under ch. 968. If the
18 court accepts the plea of no contest, the defendant may move within 6 months after
19 the date set for the appearance to withdraw the plea of no contest, open the judgment,
20 and enter a plea of not guilty upon a showing to the satisfaction of the court that the
21 failure to appear was due to mistake, inadvertence, surprise, or excusable neglect.
22 If on reopening the defendant is found not guilty, the court shall immediately notify
23 the department to delete the record of conviction based on the original proceeding
24 and shall order the defendant's deposit returned.

25 **SECTION 3433.** 345.37 (5) of the statutes is amended to read:

SENATE BILL 55**SECTION 3433**

1 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default
2 judgment, the official receiving the forfeiture, the penalty assessment, if required by
3 s. 757.05, the law enforcement training fund assessment, if required by s. 165.87 (1),
4 the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement
5 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime
6 laboratories and drug law enforcement assessment, if required by s. 165.755, shall
7 forward to the department a certification of the entry of default judgment or a
8 judgment of forfeiture.

9 **SECTION 3434.** 345.375 (2) of the statutes is amended to read:

10 345.375 (2) Upon default of the defendant corporation or limited liability
11 company or upon conviction, judgment for the amount of the forfeiture, the penalty
12 assessment, if required under s. 757.05, the law enforcement training fund
13 assessment, if required under s. 165.87 (1), the jail assessment, if required by s.
14 302.46 (1), and the crime laboratories and drug law enforcement assessment, if
15 required under s. 165.755, shall be entered.

16 **SECTION 3435.** 345.47 (1) (intro.) of the statutes is amended to read:

17 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
18 judgment against the defendant for a monetary amount not to exceed the maximum
19 forfeiture, penalty assessment, if required by s. 757.05, the law enforcement training
20 fund assessment, if required by s. 165.87 (1), the jail assessment, if required by s.
21 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177,
22 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
23 assessment, if required by s. 165.755, provided for the violation and for costs under
24 s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under
25 s. 343.30. If the judgment is not paid, the court shall order:

SENATE BILL 55**SECTION 3436**

1 **SECTION 3436.** 345.47 (1) (b) of the statutes is amended to read:

2 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
3 or revocation, that the defendant's operating privilege be suspended. The operating
4 privilege shall be suspended for 30 days or until the person pays the forfeiture, the
5 penalty assessment, if required by s. 757.05, the law enforcement training fund
6 assessment, if required by s. 165.87 (1), the jail assessment, if required by s. 302.46
7 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495
8 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if
9 required by s. 165.755, but not to exceed 2 years. Suspension under this paragraph
10 shall not affect the power of the court to suspend or revoke under s. 343.30 or the
11 power of the secretary to suspend or revoke the operating privilege. This paragraph
12 does not apply if the judgment was entered solely for violation of an ordinance
13 unrelated to the violator's operation of a motor vehicle.

14 **SECTION 3437.** 345.47 (1) (c) of the statutes is amended to read:

15 345.47 (1) (c) If a court or judge suspends an operating privilege under this
16 section, the court or judge shall immediately take possession of the suspended license
17 and shall forward it to the department together with the notice of suspension, which
18 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty
19 assessment, if required by s. 757.05, a law enforcement training fund assessment,
20 if required by s. 165.87 (1), a jail assessment, if required by s. 302.46 (1), a railroad
21 crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r),
22 and a crime laboratories and drug law enforcement assessment, if required by s.
23 165.755, imposed by the court. The notice of suspension and the suspended license,
24 if it is available, shall be forwarded to the department within 48 hours after the order
25 of suspension. If the forfeiture, penalty assessment, law enforcement training fund

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1 assessment, jail assessment, railroad crossing improvement assessment, and crime
2 laboratories and drug law enforcement assessment are paid during a period of
3 suspension, the court or judge shall immediately notify the department. Upon
4 receipt of the notice and payment of the reinstatement fee under s. 343.21 (1) (j), the
5 department shall return the surrendered license.

6 **SECTION 3438.** 345.47 (2) of the statutes is amended to read:

7 345.47 (2) The payment of any judgment may be suspended or deferred for not
8 more than 60 days in the discretion of the court. In cases where a deposit has been
9 made, any forfeitures, penalty assessments, law enforcement training fund
10 assessments, jail assessments, railroad crossing improvement assessments, crime
11 laboratories and drug law enforcement assessments, and costs shall be taken out of
12 the deposit and the balance, if any, returned to the defendant.

13 **SECTION 3439.** 345.47 (3) of the statutes is amended to read:

14 345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a
15 penalty assessment, a law enforcement training fund assessment, a jail assessment,
16 a railroad crossing improvement assessment, or a crime laboratories and drug law
17 enforcement assessment for an action brought by a municipality located in more
18 than one county, any commitment to a county institution shall be to the county in
19 which the action was tried.

20 **SECTION 3440.** 345.49 (1) of the statutes is amended to read:

21 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a
22 forfeiture, a penalty assessment, if required by s. 757.05, a law enforcement training
23 fund assessment, if required by s. 165.87 (1), a jail assessment, if required by s.
24 302.46 (1), a railroad crossing improvement assessment, if required by s. 346.177,
25 346.495 or 346.65 (4r), or a crime laboratories and drug law enforcement assessment,

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1 if required by s. 165.755, may, on request, be allowed to work under s. 303.08. If the
2 person does work, earnings shall be applied on the unpaid forfeiture, penalty
3 assessment, law enforcement training fund assessment, jail assessment, railroad
4 crossing improvement assessment, or crime laboratories and drug law enforcement
5 assessment after payment of personal board and expenses and support of personal
6 dependents to the extent directed by the court.

7 **SECTION 3441.** 345.49 (2) of the statutes is amended to read:

8 345.49 (2) Any person who is subject to imprisonment under s. 345.47 for
9 nonpayment of a forfeiture, penalty assessment, law enforcement training fund
10 assessment, jail assessment, railroad crossing improvement assessment, or crime
11 laboratories and drug law enforcement assessment may be placed on probation to
12 some person satisfactory to the court for not more than 90 days or until the forfeiture,
13 penalty assessment, law enforcement training fund assessment, jail assessment,
14 railroad crossing improvement assessment, or crime laboratories and drug law
15 enforcement assessment is paid if that is done before expiration of the 90-day period.
16 The payment of the forfeiture, penalty assessment, law enforcement training fund
17 assessment, jail assessment, railroad crossing improvement assessment, or crime
18 laboratories and drug law enforcement assessment during that period shall be a
19 condition of the probation. If the forfeiture, penalty assessment, law enforcement
20 training fund assessment, jail assessment, railroad crossing improvement
21 assessment, or crime laboratories and drug law enforcement assessment is not paid
22 or the court deems that the interests of justice require, probation may be terminated
23 and the defendant imprisoned as provided in sub. (1) or s. 345.47.

24 **SECTION 3442.** 345.61 (2) (c) of the statutes is amended to read:

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1 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
2 any printed card or other certificate issued by an automobile club, association or
3 insurance company to any of its members or insureds, which card or certificate is
4 signed by the member or insureds and contains a printed statement that the
5 automobile club, association or insurance company and a surety company, or an
6 insurance company authorized to transact both automobile liability insurance and
7 surety business, guarantee the appearance of the persons whose signature appears
8 on the card or certificate and that they will in the event of failure of the person to
9 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
10 including the penalty assessment required by s. 757.05, the law enforcement
11 training fund assessment required by s. 165.87 (1), the jail assessment required by
12 s. 302.46 (1), the railroad crossing improvement assessment required by s. 346.177,
13 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
14 assessment required by s. 165.755, in an amount not exceeding \$200, or \$1,000 as
15 provided in sub. (1) (b).

16 **SECTION 3443.** 346.65 (6) (a) 1. of the statutes, as affected by 1999 Wisconsin
17 Act 109, section 56j, is amended to read:

18 346.65 (6) (a) 1. The court may order a law enforcement officer to seize the
19 motor vehicle used in the violation or improper refusal and owned by the person
20 whose operating privilege is revoked under s. 343.305 (10) or who committed a
21 violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25
22 (1) (a), (b), (c) or (d) if the person whose operating privilege is revoked under s.
23 343.305 (10) or who is convicted of the violation has 2 or more prior suspensions,
24 revocations or convictions, counting convictions under ss. 940.09 (1) and 940.25 in
25 the person's lifetime, plus other convictions, suspensions or revocations counted

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1 under s. 343.307 (1). The court may not order a motor vehicle seized if ~~that~~ the court
2 enters an order under s. 343.301 (1) (a) or (2) (a) or if seizure would result in undue
3 hardship or extreme inconvenience or would endanger the health and safety of a
4 person.

5 **SECTION 3444.** 346.655 (1) of the statutes is amended to read:

6 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63
7 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25,
8 or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver
9 improvement surcharge in an amount of ~~\$345~~ \$355 in addition to the fine or
10 forfeiture, penalty assessment, law enforcement training fund assessment, jail
11 assessment, and crime laboratories and drug law enforcement assessment.

12 **SECTION 3445.** 346.655 (2) (b) of the statutes is amended to read:

13 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
14 transmit the amount to the treasurer of the county, city, town, or village, and that
15 treasurer shall make payment of 38.5% of the amount to the state treasurer as
16 provided in s. 66.0114 (1) ~~(b)~~ (bm). The treasurer of the city, town, or village shall
17 transmit the remaining 61.5% of the amount to the treasurer of the county.

18 **SECTION 3446.** 348.25 (8) (a) 1. of the statutes is amended to read:

19 348.25 (8) (a) 1. For a vehicle or combination of vehicles which exceeds length
20 limitations, \$15, except that if the application for a permit for a vehicle described in
21 this subdivision is submitted to the department after December 31, 1999, and before
22 ~~July 1, 2003~~ January 1, 2008, the fee is \$17.

23 **SECTION 3447.** 348.25 (8) (a) 2. of the statutes is amended to read:

24 348.25 (8) (a) 2. For a vehicle or combination of vehicles which exceeds either
25 width limitations or height limitations, \$20, except that if the application for a

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1 permit for a vehicle described in this subdivision is submitted to the department
2 after December 31, 1999, and before ~~July 1, 2003~~ January 1, 2008, the fee is \$22.

3 **SECTION 3448.** 348.25 (8) (a) 2m. of the statutes is amended to read:

4 348.25 (8) (a) 2m. For a vehicle or combination of vehicles which exceeds both
5 width and height limitations, \$25, except that if the application for a permit for a
6 vehicle described in this subdivision is submitted to the department after
7 December 31, 1999, and before ~~July 1, 2003~~ January 1, 2008, the fee is \$28.

8 **SECTION 3449.** 348.25 (8) (b) 1. of the statutes is amended to read:

9 348.25 (8) (b) 1. For a vehicle or combination of vehicles which exceeds length
10 limitations, \$60, except that if the application for a permit for a vehicle described in
11 this subdivision is submitted to the department after December 31, 1999, and before
12 ~~July 1, 2003~~ January 1, 2008, the fee is \$66.

13 **SECTION 3450.** 348.25 (8) (b) 2. of the statutes is amended to read:

14 348.25 (8) (b) 2. For a vehicle or combination of vehicles which exceeds width
15 limitations or height limitations or both, \$90, except that if the application for a
16 permit for a vehicle described in this subdivision is submitted to the department
17 after December 31, 1999, and before ~~July 1, 2003~~ January 1, 2008, the fee is \$99.

18 **SECTION 3451.** 348.25 (8) (b) 3. a. of the statutes is amended to read:

19 348.25 (8) (b) 3. a. If the gross weight is 90,000 pounds or less, \$200, except that
20 if the application for a permit for a vehicle described in this subd. 3. a. is submitted
21 to the department after December 31, 1999, and before ~~July 1, 2003~~ January 1,
22 2008, the fee is \$220.

23 **SECTION 3452.** 348.25 (8) (b) 3. b. of the statutes is amended to read:

24 348.25 (8) (b) 3. b. If the gross weight is more than 90,000 pounds but not more
25 than 100,000 pounds, \$350, except that if the application for a permit for a vehicle

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1 described in this subd. 3. b. is submitted to the department after December 31, 1999,
2 and before ~~July 1, 2003~~ January 1, 2008, the fee is \$385.

3 **SECTION 3453.** 348.25 (8) (b) 3. c. of the statutes is amended to read:

4 348.25 (8) (b) 3. c. If the gross weight is greater than 100,000 pounds, \$350 plus
5 \$100 for each 10,000-pound increment or fraction thereof by which the gross weight
6 exceeds 100,000 pounds, except that if the application for a permit for a vehicle
7 described in this subd. 3. c. is submitted to the department after December 31, 1999,
8 and before ~~July 1, 2003~~ January 1, 2008, the fee is \$385 plus \$110 for each
9 10,000-pound increment or fraction thereof by which the gross weight exceeds
10 100,000 pounds.

11 **SECTION 3454.** 348.25 (8) (bm) 1. of the statutes is amended to read:

12 348.25 (8) (bm) 1. Unless a different fee is specifically provided, the fee for a
13 consecutive month permit is one-twelfth of the fee under par. (b) for an annual
14 permit times the number of months for which the permit is desired, plus \$15 for each
15 permit issued. This subdivision does not apply to applications for permits submitted
16 after December 31, 1999, and before ~~July 1, 2003~~ January 1, 2008.

17 **SECTION 3455.** 348.25 (8) (bm) 2. of the statutes is amended to read:

18 348.25 (8) (bm) 2. Unless a different fee is specifically provided, the fee for a
19 consecutive month permit is one-twelfth of the fee under par. (b) for an annual
20 permit times the number of months for which the permit is desired, plus \$16.50 for
21 each permit issued, rounded to the nearest whole dollar. This subdivision does not
22 apply to applications submitted before January 1, 2000, or submitted after
23 ~~June 30, 2003~~ December 31, 2007.

24 **SECTION 3456.** 348.27 (10) of the statutes is amended to read:

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1 348.27 (10) TRANSPORTATION OF GRAIN OR COAL OR IRON. The department may
2 issue annual or consecutive month permits for the transportation of loads of grain,
3 as defined in s. ~~127.01 (18)~~ 126.01 (13), coal, iron ore concentrates or alloyed iron on
4 a vehicle or a combination of 2 or more vehicles that exceeds statutory weight or
5 length limitations and for the return of the empty vehicle or combination of vehicles
6 over any class of highway for a distance not to exceed 5 miles from the Wisconsin state
7 line. If the roads desired to be used by the applicant involve streets or highways other
8 than those within the state trunk highway system, the application shall be
9 accompanied by a written statement of route approval by the officer in charge of
10 maintenance of the other highway. This subsection does not apply to highways
11 designated as part of the national system of interstate and defense highways.

12 **SECTION 3457.** 350.01 (3r) of the statutes is repealed.

13 **SECTION 3458.** 350.01 (10t) of the statutes is created to read:

14 350.01 (10t) "Registration documentation" means a snowmobile registration
15 certificate, a validated registration receipt, or a registration decal.

16 **SECTION 3459.** 350.01 (22) of the statutes is created to read:

17 350.01 (22) "Validated registration receipt" means a receipt issued by the
18 department or an agent under s. 350.12 (3h) (ag) 1. a. that shows that an application
19 and the required fee for a registration certificate has been submitted to the
20 department.

21 **SECTION 3460.** 350.12 (3) (a) (intro.) of the statutes is amended to read:

22 350.12 (3) (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person
23 may operate and no owner may give permission for the operation of any snowmobile
24 within this state unless the snowmobile is registered for public use or private use
25 under this paragraph or s. 350.122 or as an antique under par. (b) and has the

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1 registration decals displayed as required under sub. (5) or s. 350.122 or unless the
2 snowmobile has a reflectorized plate attached as required under par. (c) 3. A
3 snowmobile that is not registered as an antique under par. (b) may be registered for
4 public use. A snowmobile that is not registered as an antique under par. (b) and that
5 is used exclusively on private property, as defined under s. 23.33 (1) (n), may be
6 registered for private use. A snowmobile public-use registration certificate is valid
7 for 2 years beginning on the July 1 prior to the date of application if registration is
8 made prior to April 1 and beginning on the July 1 subsequent to the date of
9 application if registration is made after April 1 and ending on June 30, 2 years
10 thereafter. A snowmobile private-use registration certificate is valid from the date
11 of issuance until ownership of the snowmobile is transferred. The fee for the issuance
12 or renewal of a public-use registration certificate is ~~\$20~~ \$30, except that the fee is
13 \$5 if it is a snowmobile owned and operated by a political subdivision of this state.
14 There is no fee for the issuance of a private-use registration certificate or for the
15 issuance of a registration certificate to the state.

16 **SECTION 3461.** 350.12 (3) (a) 3. of the statutes is amended to read:

17 350.12 (3) (a) 3. The purchaser shall complete the application for transfer and
18 cause it to be mailed or delivered to the department or an agent appointed under sub.
19 (3h) (a) 3. within 10 days from the date of purchase. A fee of \$5 shall be paid for
20 transfer of a current registration certificate.

21 **SECTION 3462.** 350.12 (3) (c) 2. of the statutes is amended to read:

22 350.12 (3) (c) 2. The fee for issuing or renewing a commercial snowmobile
23 certificate is ~~\$60~~ \$90. Upon receipt of the application form required by the
24 department and the fee required under this subdivision, the department shall issue

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1 to the applicant a commercial snowmobile certificate and 3 reflectorized plates. The
2 fee for additional reflectorized plates is \$20 \$30 per plate.

3 **SECTION 3463.** 350.12 (3) (cm) of the statutes is created to read:

4 350.12 (3) (cm) Subsection (3h) does not not apply to commercial snowmobile
5 certificates, reflectorized plates, or registration certificates issued for antique
6 snowmobiles under par. (b).

7 **SECTION 3464.** 350.12 (3) (d) of the statutes is amended to read:

8 350.12 (3) (d) Upon receipt of the required fee, a sales tax report, payment of
9 sales and use taxes due under s. 77.61 (1), and an application on forms prescribed
10 by it, the department or an agent appointed under sub. (3h) (a) 3. shall issue to the
11 applicant ~~a~~ an original registration certificate stating the registration number, the
12 name and address of the owner, and other information the department deems
13 necessary or a validated registration receipt. The department or an agent appointed
14 under sub. (3h) (a) 3. shall issue 2 registration decals per snowmobile owned by an
15 individual owner, this state, or a political subdivision of this state. The decals shall
16 be no larger than 3 inches in height and 6 inches in width. The decals shall contain
17 reference to the state, the department, whether the snowmobile is registered for
18 public use or private use under par. (a), or as an antique under par. (b), and shall show
19 the expiration date of the registration.

20 **SECTION 3465.** 350.12 (3) (e) of the statutes is amended to read:

21 350.12 (3) (e) If a ~~commercial snowmobile certificate~~, registration certificate,
22 registration decal, commercial snowmobile certificate, or reflectorized plate is lost or
23 destroyed, the holder of the certificate, decal, or plate may apply for a duplicate on
24 forms provided for by the department accompanied by a fee of \$5. Upon receipt of
25 a proper application and the required fee, the department or an agent appointed

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1 under sub. (3h) (a) 3. shall issue a duplicate certificate, decal, or plate to the
2 applicant.

3 **SECTION 3466.** 350.12 (3h) (title) of the statutes is amended to read:

4 350.12 (3h) (title) ~~REGISTRATION; RENEWALS; AGENTS PROCEDURES.~~

5 **SECTION 3467.** 350.12 (3h) (a) (intro.) of the statutes is amended to read:

6 350.12 (3h) (a) ~~Issuance; appointment of agents~~ *Issuers.* (intro.) For the
7 issuance of ~~snowmobile certificates~~ original or duplicate registration documentation
8 and for the transfer or renewal of registration documentation, the department may
9 do any of the following:

10 **SECTION 3468.** 350.12 (3h) (a) 1. of the statutes is amended to read:

11 350.12 (3h) (a) 1. Directly issue ~~the certificates, transfer, or renew the~~
12 registration documentation with or without using the expedited services specified in
13 par. (ag) 1.

14 **SECTION 3469.** 350.12 (3h) (a) 2. of the statutes is repealed.

15 **SECTION 3470.** 350.12 (3h) (a) 3. of the statutes is amended to read:

16 350.12 (3h) (a) 3. Appoint persons who are not employees of the department
17 as agents of the department to issue the certificates as agents of the department,
18 transfer, or renew the registration documentation using either or both of the
19 expedited services specified in par. (ag) 1.

20 **SECTION 3471.** 350.12 (3h) (ag) of the statutes is created to read:

21 350.12 (3h) (ag) *Registration; methods of issuance.* 1. For the issuance of
22 original or duplicate registration documentation and for the transfer or renewal of
23 registration documentation, the department may implement either or both of the
24 following expedited procedures to be provided by the department and any agents
25 appointed under par. (a) 3.:

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1 a. A noncomputerized procedure under which the department or agent may
2 accept applications for registration certificates and issue a validated registration
3 receipt at the time the applicant submits the application accompanied by the
4 required fees.

5 b. A computerized procedure under which the department or agent may accept
6 applications for registration documentation and issue to each applicant all or some
7 of the items of the registration documentation at the time the applicant submits the
8 application accompanied by the required fees.

9 2. Under either procedure under subd. 1., the applicant shall receive any
10 remaining items of registration documentation directly from the department at a
11 later date. The items of registration documentation issued at the time of the
12 submittal of the application under either procedure shall be sufficient to allow the
13 snowmobile for which the application is submitted to be operated in compliance with
14 the registration requirements under this section.

15 **SECTION 3472.** 350.12 (3h) (ar) of the statutes is created to read:

16 350.12 (3h) (ar) *Fees.* 1. In addition to the applicable fee under sub. (3) (a), each
17 agent appointed under par. (a) 3. shall collect an expedited service fee of \$3 each time
18 the agent issues a validated registration receipt under par. (ag) 1. a. The agent shall
19 retain the entire amount of each expedited service fee the agent collects.

20 2. In addition to the applicable fee under sub. (3) (a), the department or the
21 agent appointed under par. (a) 3. shall collect an expedited service fee of \$3 each time
22 the expedited service under par. (ag) 1. b. is provided. The agent shall remit to the
23 department \$1 of each expedited service fee the agent collects.

24 **SECTION 3473.** 350.12 (3h) (b) of the statutes is repealed.

25 **SECTION 3474.** 350.12 (3h) (c) of the statutes is repealed.

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1 **SECTION 3475.** 350.12 (3h) (d) of the statutes is repealed.

2 **SECTION 3476.** 350.12 (3h) (e) of the statutes is repealed.

3 **SECTION 3477.** 350.12 (3h) (f) of the statutes is repealed.

4 **SECTION 3478.** 350.12 (3h) (g) of the statutes is amended to read:

5 350.12 **(3h)** (g) *Remittal Receipt of fees.* ~~An agent appointed under par. (e) shall~~
6 ~~remit to the department \$2 of each \$3 fee collected under par. (f). Any All fees~~
7 ~~remitted to or collected by the department under par. (d) or (f) (ar) shall be credited~~
8 ~~to the appropriation account under s. 20.370 (9) (hu).~~

9 **SECTION 3479.** 350.12 (3h) (h) of the statutes is created to read:

10 350.12 **(3h)** (h) *Rules.* The department may promulgate rules to establish
11 eligibility and other criteria for the appointment of agents under par. (a) 3. and to
12 regulate the activities of these agents.

13 **SECTION 3480.** 350.12 (3j) (b) of the statutes is amended to read:

14 350.12 **(3j)** (b) The fee for a trail use sticker issued for a snowmobile that is
15 exempt from registration under sub. (2) (b) or (bn) is ~~\$12.25~~ \$17.25. A trail use
16 sticker issued for such a snowmobile may be issued only by the department and
17 persons appointed by the department and expires on June 30 of each year.

18 **SECTION 3481.** 350.12 (4) (a) (intro.) of the statutes is amended to read:

19 350.12 **(4)** (a) *Enforcement, administration, and related costs.* (intro.) The
20 moneys appropriated from s. 20.370 (3) (ak) and (aq), (5) (ek) and (es), and (9) (mu)
21 and (mw) may be used for the following:

22 **SECTION 3482.** 350.12 (4) (a) 4. of the statutes is amended to read:

23 350.12 **(4)** (a) 4. An amount necessary to pay the cost of law enforcement aids
24 to counties as appropriated under s. 20.370 (5) (ek) and (es). On or before June 1, a
25 county shall file with the department on forms prescribed by the department a

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1 detailed statement of the costs incurred by the county in the enforcement of this
2 chapter during the preceding May 1 to April 30. The department shall audit the
3 statements and determine the county's net costs for enforcement of this chapter. The
4 department shall compute the state aids on the basis of 100% of these net costs and
5 shall pay these aids on or before October 1. If the state aids payable to counties
6 exceed the moneys available for such purpose, the department shall prorate the
7 payments.

8 **SECTION 3483.** 350.12 (4) (b) (intro.) of the statutes is amended to read:

9 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
10 under s. 20.370 (1) (mq) and (5) (cb), (cr) ~~and, (cs), and (cw)~~ shall be used for
11 development and maintenance, the cooperative snowmobile sign program, major
12 reconstruction or rehabilitation to improve bridges on existing approved trails, trail
13 rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas
14 and distributed as follows:

15 **SECTION 3484.** 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1.
16 and amended to read:

17 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
18 department shall make available in fiscal year 1992-93 2001-02 and each fiscal year
19 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
20 payments to the department or a county under par. (bm) for trail maintenance costs
21 incurred in the previous fiscal year that exceed the maximum specified under par.
22 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

23 **SECTION 3485.** 350.12 (4) (bg) 2. of the statutes is created to read:

24 350.12 (4) (bg) 2. For fiscal year 2001-02, and for each fiscal year thereafter,
25 the department shall calculate an amount equal to the number of trail use stickers

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1 issued under sub. (3j) in the previous fiscal year multiplied by \$15 and shall credit
2 this amount to the appropriation account under s. 20.370 (5) (cw). From the
3 appropriation under s. 20.370 (5) (cw), the department shall make payments to the
4 department or a county for the purposes specified in par. (b). The department shall
5 make payments under par. (bm) for trail maintenance costs that were incurred in the
6 previous fiscal year and that exceed the maximum specified under par. (b) 1. before
7 making payments for any of the other purposes specified in par. (b).

8 **SECTION 3486.** 350.12 (5) (b) of the statutes is amended to read:

9 350.12 (5) (b) The registration certificate or, for owners an owner who
10 purchased a snowmobile and who have has received ~~an approved application for a~~
11 validated registration receipt ~~validated by the department~~ but who have has not yet
12 received the registration certificate, the ~~approved application for~~ validated
13 registration receipt shall be in the possession of the ~~user of~~ person operating the
14 snowmobile at all times.

15 **SECTION 3487.** 350.12 (5) (c) of the statutes is amended to read:

16 350.12 (5) (c) The registration certificate or, for owners an owner who
17 purchased a snowmobile and who have has received ~~an approved application for a~~
18 validated registration receipt ~~validated by the department~~ but who have has not yet
19 received the registration certificate, the ~~approved application for~~ validated
20 registration receipt shall be exhibited, upon demand, by the ~~user~~ operator of the
21 snowmobile for inspection by any person authorized to enforce this section as
22 provided under s. 350.17 (1) and (3).

23 **SECTION 3488.** 350.12 (5) (cm) of the statutes is amended to read:

24 350.12 (5) (cm) A person may operate a snowmobile without having the
25 registration decals displayed as provided under par. (a) if the owner has received an

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1 ~~approved application for a validated~~ registration receipt ~~validated by the~~
2 department and if the user operator of the snowmobile complies with pars. (b) and
3 (c).

4 **SECTION 3489.** 350.12 (5) (d) of the statutes is amended to read:

5 350.12 (5) (d) At the end of the registration period the department shall send
6 the owner of each snowmobile a renewal application. The owner shall sign the
7 renewal application and return or present the application and the proper fee to the
8 department or present the application and fee to an agent appointed under sub. (3h)
9 (e) (a) 3.

10 **SECTION 3490.** 350.125 (1) (a) of the statutes is renumbered 350.125 (1) (a)
11 (intro.) and amended to read:

12 350.125 (1) (a) (intro.) When a snowmobile dealer sells a snowmobile, the
13 dealer, at the time of sale, shall require the buyer to complete an application for a an
14 original registration certificate, collect the required fee, and ~~mail~~ do one of the
15 following:

16 1. Mail the application and fee to the department no later than 5 days after the
17 date of sale and furnish the buyer with a validated registration receipt.

18 (ag) The department shall provide combination application and receipt forms
19 and ~~the dealer shall furnish the buyer with a completed receipt showing that~~
20 ~~application for registration has been made to be used by the dealer.~~ This completed

21 (am) The validated registration receipt shall be in the possession of the user
22 of person operating the snowmobile until the registration certificate is received.

23 (ar) No snowmobile dealer may charge an additional fee to the buyer for
24 performing the service required under this subsection unless the dealer uses the

SENATE BILL 55**SECTION 3490**

1 expedited service specified in s. 350.12 (3h) (ag). No snowmobile dealer may perform
2 this service for a registration under s. 350.122.

3 **SECTION 3491.** 350.125 (1) (a) 2. of the statutes is created to read:

4 350.125 (1) (a) 2. Use the expedited service under s. 350.12 (3h) (ag) as an agent
5 of the department.

6 **SECTION 3492.** 409.102 (1) (intro.) of the statutes is amended to read:

7 409.102 (1) (intro.) Except as otherwise provided in s. 409.104 on excluded
8 transactions and s. 16.63 (4) on transactions involving tobacco settlement revenues,
9 this chapter applies:

10 **SECTION 3493.** 426.201 (2) (intro.) of the statutes is amended to read:

11 426.201 (2) (intro.) Each person subject to the registration requirements under
12 sub. (1) shall file a registration statement with the administrator within 30 days
13 after commencing business in this state, ~~and thereafter, on or before February 28 of~~
14 ~~each year.~~ The registration statement shall include all of the following information:

15 **SECTION 3494.** 426.201 (2) (fm) of the statutes is amended to read:

16 426.201 (2) (fm) The ~~average monthly outstanding year-end~~ balance of all
17 consumer credit transactions held by the person ~~for the reporting period for which~~
18 ~~the registration statement is filed.~~ In this paragraph, “average monthly outstanding
19 ~~“year-end balance” and “reporting period” have the meanings~~ has the meaning given
20 under s. 426.202 (1m) (a).

21 **SECTION 3495.** 426.201 (2m) of the statutes is created to read:

22 426.201 (2m) (a) Except as provided in par. (b), each person subject to the
23 registration requirements under sub. (1) shall file a registration statement
24 containing the information under sub. (2) (a) to (g) no later than February 28 of each
25 year following the year of the person’s initial registration under sub. (2).

SENATE BILL 55**SECTION 3495**

1 (b) 1. In this paragraph, “year-end balance” has the meaning given in s.
2 426.202 (1m) (a).

3 2. Paragraph (a) does not apply if the person’s year-end balance is not more
4 than \$250,000.

5 **SECTION 3496.** 426.201 (3) of the statutes is amended to read:

6 426.201 (3) The administrator shall adopt rules governing the filing of changes,
7 additions, or modifications of the registration statement required by this section, and
8 shall adopt rules pertaining to form, verification, fees, and similar matters
9 pertaining to the registration.

10 **SECTION 3497.** 426.202 (1m) (a) 1. (intro.) of the statutes is renumbered
11 426.202 (1m) (a) 3. and amended to read:

12 426.202 (1m) (a) 3. ~~“Average outstanding monthly~~ “Year-end balance” means,
13 for ~~any person during any reporting period, the amount calculated as follows:~~
14 outstanding balance of all consumer credit transactions that a person has entered
15 into or has obtained by assignment, and that originated in this state, as of December
16 31 preceding the annual registration filing date under s. 426.201 (2m) (a).

17 **SECTION 3498.** 426.202 (1m) (a) 1. a. of the statutes is repealed.

18 **SECTION 3499.** 426.202 (1m) (a) 1. b. of the statutes is repealed.

19 **SECTION 3500.** 426.202 (1m) (a) 1. c. of the statutes is repealed.

20 **SECTION 3501.** 426.202 (1m) (b) of the statutes is amended to read:

21 426.202 (1m) (b) *Registration fee requirement.* Any person required to register
22 under s. 426.201 shall pay a registration fee to the administrator when the person
23 files the registration statement required under s. 426.201, ~~except that a person is not~~
24 ~~required to pay a registration fee under this section if the person’s average~~
25 ~~outstanding monthly balance for that reporting period does not exceed \$250,000.~~

SENATE BILL 55**SECTION 3502**

1 **SECTION 3502.** 426.202 (1m) (c) of the statutes is amended to read:

2 426.202 (1m) (c) *Amount of registration fee.* The amount of the registration fee
3 shall be determined in accordance with rates set by the administrator, ~~subject to the~~
4 ~~maximum and minimum fees under pars. (d) and (e).~~ In setting these rates, the
5 administrator shall consider the costs of administering chs. 421 to 427 and 429,
6 including the costs of enforcement, education and seeking voluntary compliance with
7 chs. 421 to 427 and 429. ~~Subject to pars. (d) and (e), the~~ The registration fee for a
8 person shall be based on the person's ~~average monthly outstanding year-end~~ balance
9 during for the reporting period.

10 **SECTION 3503.** 426.202 (1m) (d) of the statutes is repealed.

11 **SECTION 3504.** 426.202 (1m) (e) of the statutes is repealed.

12 **SECTION 3505.** 440.05 (1) (a) of the statutes is amended to read:

13 440.05 (1) (a) Initial credential: \$44 ~~\$56~~. Each applicant for an initial
14 credential shall pay the initial credential fee to the department when the application
15 materials for the initial credential are submitted to the department.

16 **SECTION 3506.** 440.05 (1) (b) of the statutes is amended to read:

17 440.05 (1) (b) Examination: If an examination is required, the applicant shall
18 pay an examination fee. ~~The~~ to the department. ~~If the department prepares,~~
19 administers, or grades the examination, the fee for examination to the department
20 shall be an amount equal to the department's best estimate of the actual cost of
21 preparing, administering and, or grading the examination ~~or obtaining and~~
22 ~~administering an approved examination from a test service.~~ If the department
23 approves an examination prepared, administered, and graded by a test service
24 provider, the fee to the department shall be an amount equal to the department's best

SENATE BILL 55**SECTION 3506**

1 estimate of the actual cost of approving the examination, including selecting,
2 evaluating, and reviewing the examination.

3 **SECTION 3507.** 440.08 (1) of the statutes is amended to read:

4 440.08 (1) NOTICE OF RENEWAL. The department shall ~~mail~~ give a notice of
5 renewal to ~~the last address provided to the department by~~ each holder of a credential
6 at least 30 days prior to the renewal date of the credential. Notice may be mailed to
7 the last address provided to the department by the credential holder or may be given
8 by electronic transmission. Failure to receive a notice of renewal is not a defense in
9 any disciplinary proceeding against the holder or in any proceeding against the
10 holder for practicing without a credential. Failure to receive a notice of renewal does
11 not relieve the holder from the obligation to pay a penalty for late renewal under sub.
12 (3).

13 **SECTION 3508.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

14 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.26 (3), 440.51,
15 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and
16 459.46, the renewal dates and renewal fees for credentials are as follows:

17 **SECTION 3509.** 440.08 (2) (a) 1. of the statutes is amended to read:

18 440.08 (2) (a) 1. Accountant, certified public: January 1 of each
19 even-numbered year; ~~\$52~~ \$59.

20 **SECTION 3510.** 440.08 (2) (a) 2. of the statutes is amended to read:

21 440.08 (2) (a) 2. Accountant, public: January 1 of each even-numbered year;
22 ~~\$44~~ \$53.

23 **SECTION 3511.** 440.08 (2) (a) 3. of the statutes is amended to read:

24 440.08 (2) (a) 3. Accounting corporation or partnership: January 1 of each
25 even-numbered year; ~~\$47~~ \$56.

SENATE BILL 55**SECTION 3512**

1 **SECTION 3512.** 440.08 (2) (a) 4. of the statutes is amended to read:

2 440.08 (2) (a) 4. Acupuncturist: July 1 of each odd-numbered year; ~~\$78~~ \$70.

3 **SECTION 3513.** 440.08 (2) (a) 4m. of the statutes is amended to read:

4 440.08 (2) (a) 4m. Advanced practice nurse prescriber: October 1 of each
5 even-numbered year; ~~\$69~~ \$73.

6 **SECTION 3514.** 440.08 (2) (a) 5. of the statutes is amended to read:

7 440.08 (2) (a) 5. Aesthetician: July 1 of each odd-numbered year; ~~\$58~~ \$87.

8 **SECTION 3515.** 440.08 (2) (a) 6. of the statutes is amended to read:

9 440.08 (2) (a) 6. Aesthetics establishment: July 1 of each odd-numbered year;
10 ~~\$47~~ \$70.

11 **SECTION 3516.** 440.08 (2) (a) 7. of the statutes is amended to read:

12 440.08 (2) (a) 7. Aesthetics instructor: July 1 of each odd-numbered year; ~~\$47~~
13 \$70.

14 **SECTION 3517.** 440.08 (2) (a) 9. of the statutes is amended to read:

15 440.08 (2) (a) 9. Aesthetics specialty school: July 1 of each odd-numbered year;
16 ~~\$44~~ \$53.

17 **SECTION 3518.** 440.08 (2) (a) 11. of the statutes is amended to read:

18 440.08 (2) (a) 11. Appraiser, real estate, certified general: January 1 of each
19 even-numbered year; ~~\$108~~ \$162.

20 **SECTION 3519.** 440.08 (2) (a) 11m. of the statutes is amended to read:

21 440.08 (2) (a) 11m. Appraiser, real estate, certified residential: January 1 of
22 each even-numbered year; ~~\$114~~ \$167.

23 **SECTION 3520.** 440.08 (2) (a) 12. of the statutes is amended to read:

24 440.08 (2) (a) 12. Appraiser, real estate, licensed: January 1 of each
25 even-numbered year; ~~\$134~~ \$185.

SENATE BILL 55**SECTION 3521**

1 **SECTION 3521.** 440.08 (2) (a) 13. of the statutes is amended to read:

2 440.08 (2) (a) 13. Architect: August 1 of each even-numbered year; ~~\$49~~ \$60.

3 **SECTION 3522.** 440.08 (2) (a) 14. of the statutes is amended to read:

4 440.08 (2) (a) 14. Architectural or engineering firm, partnership or corporation:

5 February 1 of each even-numbered year; ~~\$47~~ \$70.

6 **SECTION 3523.** 440.08 (2) (a) 14f. of the statutes is amended to read:

7 440.08 (2) (a) 14f. Athletic trainer: July 1 of each even-numbered year; ~~\$44~~

8 \$53.

9 **SECTION 3524.** 440.08 (2) (a) 14g. of the statutes is amended to read:

10 440.08 (2) (a) 14g. Auction company: January 1 of each odd-numbered year;

11 ~~\$47~~ \$56.

12 **SECTION 3525.** 440.08 (2) (a) 14r. of the statutes is amended to read:

13 440.08 (2) (a) 14r. Auctioneer: January 1 of each odd-numbered year; ~~\$135~~

14 \$174.

15 **SECTION 3526.** 440.08 (2) (a) 15. of the statutes is amended to read:

16 440.08 (2) (a) 15. Audiologist: February 1 of each odd-numbered year; ~~\$100~~

17 \$106.

18 **SECTION 3527.** 440.08 (2) (a) 16. of the statutes is amended to read:

19 440.08 (2) (a) 16. Barbering or cosmetology establishment: July 1 of each

20 odd-numbered year; ~~\$47~~ \$56.

21 **SECTION 3528.** 440.08 (2) (a) 18. of the statutes is amended to read:

22 440.08 (2) (a) 18. Barbering or cosmetology manager: July 1 of each

23 odd-numbered year; ~~\$68~~ \$71.

24 **SECTION 3529.** 440.08 (2) (a) 20. of the statutes is amended to read:

SENATE BILL 55**SECTION 3529**

1 440.08 (2) (a) 20. Barber or cosmetologist: July 1 of each odd-numbered year;
2 \$~~55~~ \$63.

3 **SECTION 3530.** 440.08 (2) (a) 24. of the statutes is amended to read:

4 440.08 (2) (a) 24. Chiropractor: January 1 of each odd-numbered year; ~~\$139~~
5 \$168.

6 **SECTION 3531.** 440.08 (2) (a) 25. of the statutes is amended to read:

7 440.08 (2) (a) 25. Dental hygienist: October 1 of each odd-numbered year; ~~\$48~~
8 \$57.

9 **SECTION 3532.** 440.08 (2) (a) 26. of the statutes is amended to read:

10 440.08 (2) (a) 26. Dentist: October 1 of each odd-numbered year; ~~\$105~~ \$131.

11 **SECTION 3533.** 440.08 (2) (a) 27. of the statutes is amended to read:

12 440.08 (2) (a) 27. Designer of engineering systems: February 1 of each
13 even-numbered year; ~~\$52~~ \$58.

14 **SECTION 3534.** 440.08 (2) (a) 27m. of the statutes is amended to read:

15 440.08 (2) (a) 27m. Dietitian: November 1 of each even-numbered year; ~~\$47~~
16 \$56.

17 **SECTION 3535.** 440.08 (2) (a) 28. of the statutes is amended to read:

18 440.08 (2) (a) 28. Drug distributor: June 1 of each even-numbered year; ~~\$47~~
19 \$70.

20 **SECTION 3536.** 440.08 (2) (a) 29. of the statutes is amended to read:

21 440.08 (2) (a) 29. Drug manufacturer: June 1 of each even-numbered year; ~~\$47~~
22 \$70.

23 **SECTION 3537.** 440.08 (2) (a) 30. of the statutes is amended to read:

24 440.08 (2) (a) 30. Electrologist: July 1 of each odd-numbered year; ~~\$65~~ \$76.

25 **SECTION 3538.** 440.08 (2) (a) 31. of the statutes is amended to read:

SENATE BILL 55**SECTION 3538**

1 440.08 (2) (a) 31. Electrology establishment: July 1 of each odd-numbered
2 year; \$47 \$56.

3 **SECTION 3539.** 440.08 (2) (a) 34. of the statutes is amended to read:

4 440.08 (2) (a) 34. Electrology specialty school: July 1 of each odd-numbered
5 year; \$44 \$53.

6 **SECTION 3540.** 440.08 (2) (a) 35. of the statutes is amended to read:

7 440.08 (2) (a) 35. Engineer, professional: August 1 of each even-numbered
8 year; \$49 \$58.

9 **SECTION 3541.** 440.08 (2) (a) 35m. of the statutes is amended to read:

10 440.08 (2) (a) 35m. Fund-raising counsel: September 1 of each
11 even-numbered year; \$44 \$53.

12 **SECTION 3542.** 440.08 (2) (a) 36. of the statutes is amended to read:

13 440.08 (2) (a) 36. Funeral director: January 1 of each even-numbered year;
14 \$140 \$135.

15 **SECTION 3543.** 440.08 (2) (a) 37. of the statutes is amended to read:

16 440.08 (2) (a) 37. Funeral establishment: June 1 of each odd-numbered year;
17 \$47 \$56.

18 **SECTION 3544.** 440.08 (2) (a) 38. of the statutes is amended to read:

19 440.08 (2) (a) 38. Hearing instrument specialist: February 1 of each
20 odd-numbered year; \$100 \$106.

21 **SECTION 3545.** 440.08 (2) (a) 38g. of the statutes is amended to read:

22 440.08 (2) (a) 38g. Home inspector: January 1 of each odd-numbered year; \$44
23 \$53.

24 **SECTION 3546.** 440.08 (2) (a) 38m. of the statutes is amended to read:

SENATE BILL 55**SECTION 3546**

1 440.08 (2) (a) 38m. Landscape architect: August 1 of each even-numbered
2 year; ~~\$51~~ \$56.

3 **SECTION 3547.** 440.08 (2) (a) 39. of the statutes is amended to read:

4 440.08 (2) (a) 39. Land surveyor: February 1 of each even-numbered year; ~~\$75~~
5 \$77.

6 **SECTION 3548.** 440.08 (2) (a) 42. of the statutes is amended to read:

7 440.08 (2) (a) 42. Manicuring establishment: July 1 of each odd-numbered
8 year; ~~\$44~~ \$53.

9 **SECTION 3549.** 440.08 (2) (a) 43. of the statutes is amended to read:

10 440.08 (2) (a) 43. Manicuring instructor: July 1 of each odd-numbered year;
11 ~~\$44~~ \$53.

12 **SECTION 3550.** 440.08 (2) (a) 45. of the statutes is amended to read:

13 440.08 (2) (a) 45. Manicuring specialty school: July 1 of each odd-numbered
14 year; ~~\$44~~ \$53.

15 **SECTION 3551.** 440.08 (2) (a) 46. of the statutes is amended to read:

16 440.08 (2) (a) 46. Manicurist: July 1 of each odd-numbered year; ~~\$131~~ \$133.

17 **SECTION 3552.** 440.08 (2) (a) 46m. of the statutes is amended to read:

18 440.08 (2) (a) 46m. Marriage and family therapist: July 1 of each
19 odd-numbered year; ~~\$82~~ \$84.

20 **SECTION 3553.** 440.08 (2) (a) 48. of the statutes is amended to read:

21 440.08 (2) (a) 48. Nurse, licensed practical: May 1 of each odd-numbered year;
22 ~~\$54~~ \$69.

23 **SECTION 3554.** 440.08 (2) (a) 49. of the statutes is amended to read:

24 440.08 (2) (a) 49. Nurse, registered: March 1 of each even-numbered year; ~~\$52~~
25 \$66.

SENATE BILL 55**SECTION 3555**

1 **SECTION 3555.** 440.08 (2) (a) 50. of the statutes is amended to read:

2 440.08 (2) (a) 50. Nurse-midwife: March 1 of each even-numbered year; \$47
3 \$70.

4 **SECTION 3556.** 440.08 (2) (a) 51. of the statutes is amended to read:

5 440.08 (2) (a) 51. Nursing home administrator: July 1 of each even-numbered
6 year; ~~\$111~~ \$120.

7 **SECTION 3557.** 440.08 (2) (a) 52. of the statutes is amended to read:

8 440.08 (2) (a) 52. Occupational therapist: November 1 of each odd-numbered
9 year; ~~\$49~~ \$59.

10 **SECTION 3558.** 440.08 (2) (a) 53. of the statutes is amended to read:

11 440.08 (2) (a) 53. Occupational therapy assistant: November 1 of each
12 odd-numbered year; ~~\$48~~ \$62.

13 **SECTION 3559.** 440.08 (2) (a) 54. of the statutes is amended to read:

14 440.08 (2) (a) 54. Optometrist: January 1 of each even-numbered year; ~~\$61~~
15 \$65.

16 **SECTION 3560.** 440.08 (2) (a) 55. of the statutes is amended to read:

17 440.08 (2) (a) 55. Pharmacist: June 1 of each even-numbered year; ~~\$73~~ \$97.

18 **SECTION 3561.** 440.08 (2) (a) 56. of the statutes is amended to read:

19 440.08 (2) (a) 56. Pharmacy: June 1 of each even-numbered year; ~~\$47~~ \$56.

20 **SECTION 3562.** 440.08 (2) (a) 57. of the statutes is amended to read:

21 440.08 (2) (a) 57. Physical therapist: November 1 of each odd-numbered year;
22 ~~\$51~~ \$62.

23 **SECTION 3563.** 440.08 (2) (a) 58. of the statutes is amended to read:

24 440.08 (2) (a) 58. Physician: November 1 of each odd-numbered year; ~~\$122~~
25 \$106.

SENATE BILL 55**SECTION 3564**

1 **SECTION 3564.** 440.08 (2) (a) 59. of the statutes is amended to read:

2 440.08 (2) (a) 59. Physician assistant: November 1 of each odd-numbered year;
3 ~~\$59~~ \$72.

4 **SECTION 3565.** 440.08 (2) (a) 60. of the statutes is amended to read:

5 440.08 (2) (a) 60. Podiatrist: November 1 of each odd-numbered year; \$140
6 \$150.

7 **SECTION 3566.** 440.08 (2) (a) 61. of the statutes is amended to read:

8 440.08 (2) (a) 61. Private detective: September 1 of each even-numbered year;
9 ~~\$89~~ \$101.

10 **SECTION 3567.** 440.08 (2) (a) 62. of the statutes is amended to read:

11 440.08 (2) (a) 62. Private detective agency: September 1 of each
12 even-numbered odd-numbered year; \$47.

13 **SECTION 3568.** 440.08 (2) (a) 62. of the statutes, as affected by 2001 Wisconsin
14 Act (this act), is repealed and recreated to read:

15 440.08 (2) (a) 62. Private detective agency: September 1 of each odd-numbered
16 year; \$56.

17 **SECTION 3569.** 440.08 (2) (a) 63. of the statutes is amended to read:

18 440.08 (2) (a) 63. Private practice school psychologist: October 1 of each
19 odd-numbered year; ~~\$69~~ \$103.

20 **SECTION 3570.** 440.08 (2) (a) 63g. of the statutes is amended to read:

21 440.08 (2) (a) 63g. Private security person: September 1 of each
22 even-numbered year; ~~\$49~~ \$20.

23 **SECTION 3571.** 440.08 (2) (a) 63m. of the statutes is amended to read:

24 440.08 (2) (a) 63m. Professional counselor: July 1 of each odd-numbered year;
25 ~~\$63~~ \$76.

SENATE BILL 55**SECTION 3572**

1 **SECTION 3572.** 440.08 (2) (a) 63t. of the statutes is amended to read:

2 440.08 (2) (a) 63t. Professional fund-raiser: September 1 of each
3 even-numbered year; ~~\$91~~ \$93.

4 **SECTION 3573.** 440.08 (2) (a) 63u. of the statutes is amended to read:

5 440.08 (2) (a) 63u. Professional geologist: August 1 of each even-numbered
6 year; ~~\$48~~ \$59.

7 **SECTION 3574.** 440.08 (2) (a) 63v. of the statutes is amended to read:

8 440.08 (2) (a) 63v. Professional geology, hydrology or soil science firm,
9 partnership or corporation: August 1 of each even-numbered year; ~~\$44~~ \$53.

10 **SECTION 3575.** 440.08 (2) (a) 63w. of the statutes is amended to read:

11 440.08 (2) (a) 63w. Professional hydrologist: August 1 of each even-numbered
12 year; ~~\$44~~ \$53.

13 **SECTION 3576.** 440.08 (2) (a) 63x. of the statutes is amended to read:

14 440.08 (2) (a) 63x. Professional soil scientist: August 1 of each even-numbered
15 year; ~~\$44~~ \$53.

16 **SECTION 3577.** 440.08 (2) (a) 64. of the statutes is amended to read:

17 440.08 (2) (a) 64. Psychologist: October 1 of each odd-numbered year; ~~\$105~~
18 \$157.

19 **SECTION 3578.** 440.08 (2) (a) 65. of the statutes is amended to read:

20 440.08 (2) (a) 65. Real estate broker: January 1 of each odd-numbered year;
21 ~~\$109~~ \$128.

22 **SECTION 3579.** 440.08 (2) (a) 66. of the statutes is amended to read:

23 440.08 (2) (a) 66. Real estate business entity: January 1 of each odd-numbered
24 year; ~~\$57~~ \$56.

25 **SECTION 3580.** 440.08 (2) (a) 67. of the statutes is amended to read:

SENATE BILL 55**SECTION 3580**

1 440.08 (2) (a) 67. Real estate salesperson: January 1 of each odd-numbered
2 year; ~~\$79~~ \$83.

3 **SECTION 3581.** 440.08 (2) (a) 67m. of the statutes is amended to read:

4 440.08 (2) (a) 67m. Registered interior designer: August 1 of each
5 even-numbered year; ~~\$47~~ \$56.

6 **SECTION 3582.** 440.08 (2) (a) 67q. of the statutes is amended to read:

7 440.08 (2) (a) 67q. Registered massage therapist or bodyworker: March 1 of
8 each odd-numbered year; ~~\$44~~ \$53.

9 **SECTION 3583.** 440.08 (2) (a) 67v. of the statutes is amended to read:

10 440.08 (2) (a) 67v. Registered music, art or dance therapist: October 1 of each
11 odd-numbered year; ~~\$44~~ \$53.

12 **SECTION 3584.** 440.08 (2) (a) 68. of the statutes is amended to read:

13 440.08 (2) (a) 68. Respiratory care practitioner: November 1 of each
14 odd-numbered year; ~~\$50~~ \$65.

15 **SECTION 3585.** 440.08 (2) (a) 68d. of the statutes is amended to read:

16 440.08 (2) (a) 68d. Social worker: July 1 of each odd-numbered year; ~~\$54~~ \$63.

17 **SECTION 3586.** 440.08 (2) (a) 68h. of the statutes is amended to read:

18 440.08 (2) (a) 68h. Social worker, advanced practice: July 1 of each
19 odd-numbered year; ~~\$53~~ \$70.

20 **SECTION 3587.** 440.08 (2) (a) 68p. of the statutes is amended to read:

21 440.08 (2) (a) 68p. Social worker, independent: July 1 of each odd-numbered
22 year; ~~\$55~~ \$58.

23 **SECTION 3588.** 440.08 (2) (a) 68t. of the statutes is amended to read:

24 440.08 (2) (a) 68t. Social worker, independent clinical: July 1 of each
25 odd-numbered year; ~~\$69~~ \$73.

SENATE BILL 55**SECTION 3589**

1 **SECTION 3589.** 440.08 (2) (a) 68v. of the statutes is amended to read:

2 440.08 (2) (a) 68v. Speech-language pathologist: February 1 of each
3 odd-numbered year; ~~\$53~~ \$63.

4 **SECTION 3590.** 440.08 (2) (a) 69. of the statutes is amended to read:

5 440.08 (2) (a) 69. Time-share salesperson: January 1 of each odd-numbered
6 year; ~~\$103~~ \$119.

7 **SECTION 3591.** 440.08 (2) (a) 70. of the statutes is amended to read:

8 440.08 (2) (a) 70. Veterinarian: January 1 of each even-numbered year; ~~\$95~~
9 \$105.

10 **SECTION 3592.** 440.08 (2) (a) 71. of the statutes is amended to read:

11 440.08 (2) (a) 71. Veterinary technician: January 1 of each even-numbered
12 year; ~~\$48~~ \$58.

13 **SECTION 3593.** 440.26 (1) (a) 1. of the statutes is amended to read:

14 440.26 (1) (a) 1. Advertise, solicit or engage in the business of operating a
15 private detective agency or private security agency.

16 **SECTION 3594.** 440.26 (2) (a) 3. of the statutes is created to read:

17 440.26 (2) (a) 3. Issue a private security agency license to an individual,
18 partnership, limited liability company, or corporation that meets the qualifications
19 specified under par. (c).

20 **SECTION 3595.** 440.26 (3) of the statutes is amended to read:

21 440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an
22 application executed under sub. (2), and after any investigation that it considers
23 necessary, the department shall, if it determines that the applicant is qualified, grant
24 the proper license upon payment of the fee specified in s. 440.05 (1). No license shall
25 be issued for a longer period than 2 years, ~~and the license of a private detective shall~~

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1 ~~expire on the renewal date of the license of the private detective agency, even if the~~
2 ~~license of the private detective has not been in effect for a full 2 years. Renewals of~~
3 ~~the original licenses issued under this section shall be issued in accordance with~~
4 ~~renewal forms prescribed by the department and, except for renewals of private~~
5 ~~security agency licenses, shall be accompanied by the fees specified in s. 440.08.~~
6 ~~Private security agency licenses may be renewed upon payment of a \$20 renewal fee.~~
7 The department may not renew a license unless the applicant provides evidence that
8 the applicant has in force at the time of renewal the bond or liability policy specified
9 in this section.

10 **SECTION 3596.** 440.26 (4) of the statutes is renumbered 440.26 (4) (a) (intro.)
11 and amended to read:

12 440.26 (4) (a) (intro.) No license may be issued under this section until a bond
13 or liability policy, approved by the department, in the amount of \$100,000 if the
14 applicant for the license is a private detective agency and includes all principals,
15 partners, members or corporate officers, or in the amount of \$2,000 if the applicant
16 is a private detective, following amounts has been executed and filed with the
17 department. ~~Such bonds or:~~

18 (b) Bonds and liability policies under par. (a) shall be furnished by an insurer
19 authorized to do a surety business in this state in a form approved by the department
20 and, if the applicant is a private detective agency or private security agency, shall
21 include all principals, partners, members, or corporate officers of the agency.

22 **SECTION 3597.** 440.26 (4) (a) 1., 2. and 3. of the statutes are created to read:

23 440.26 (4) (a) 1. If the applicant for the license is a private detective agency,
24 \$100,000.

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1 2. An amount established by the department by rule, if the applicant for the
2 license is a private security agency.

3 3. If the applicant is a private detective, \$2,000.

4 **SECTION 3598.** 440.26 (5) (c) (intro.) of the statutes is amended to read:

5 440.26 (5) (c) (intro.) An employee of any agency that is licensed as a private
6 detective agency or private security agency under this section and that is doing
7 business in this state as a supplier of uniformed private security personnel to patrol
8 exclusively on the private property of industrial plants, business establishments,
9 schools, colleges, hospitals, sports stadiums, exhibits and similar activities is exempt
10 from the license requirements of this section while engaged in such employment, if
11 all of the following apply:

12 **SECTION 3599.** 440.26 (5) (c) 2. of the statutes is amended to read:

13 440.26 (5) (c) 2. The private detective agency or private security agency
14 furnishes an up-to-date written record of its employees to the department. The
15 record shall include the name, residence address, date of birth and a physical
16 description of each employee together with a recent photograph and 2 fingerprint
17 cards bearing a complete set of fingerprints of each employee.

18 **SECTION 3600.** 440.26 (5) (c) 3. of the statutes is amended to read:

19 440.26 (5) (c) 3. The private detective agency or private security agency notifies
20 the department in writing within 5 days of any change in the information under
21 subd. 2. regarding its employees, including the termination of employment of any
22 person.

23 **SECTION 3601.** 440.26 (5m) (a) 3. of the statutes is amended to read:

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1 440.26 **(5m)** (a) 3. The individual provides evidence satisfactory to the
2 department that he or she is an employee of a private detective agency or private
3 security agency described in sub. (5) (c).

4 **SECTION 3602.** 440.26 (5r) (a) 1. of the statutes is amended to read:

5 440.26 **(5r)** (a) 1. The individual has completed an application, paid the fees
6 required under ss. 440.03 (13) and 440.05 (6), and provided information required
7 under sub. (5m) (a).

8 **SECTION 3603.** 440.26 (5r) (a) 2. of the statutes is amended to read:

9 440.26 **(5r)** (a) 2. The department ~~is not yet able~~ does not have information
10 sufficient to determine whether to grant or deny the individual's application ~~because~~
11 ~~a background check of the individual is not complete.~~

12 **SECTION 3604.** 440.26 (5r) (c) 1. of the statutes is amended to read:

13 440.26 **(5r)** (c) 1. Except as provided in subd. 2., a temporary private security
14 permit issued under par. (a) is valid for ~~30~~ 60 days.

15 **SECTION 3605.** 440.26 (8) of the statutes is amended to read:

16 440.26 **(8)** PENALTIES. Any person, acting as a private detective, investigator
17 or private security person, or who employs any person who solicits, advertises or
18 performs services in this state as a private detective or private security person, or
19 investigator or special investigator, without having procured the license or permit
20 required by this section, may be fined not less than \$100 nor more than \$500 or
21 imprisoned not less than 3 months nor more than 6 months or both. Any private
22 detective agency or private security agency having an employee, owner, officer or
23 agent convicted of the above offense may have its agency license revoked or
24 suspended by the department. Any person convicted of the above offense shall be
25 ineligible for a license for one year.

SENATE BILL 55**SECTION 3606**

1 **SECTION 3606.** 445.06 of the statutes is amended to read:

2 **445.06 Renewal of licenses.** The renewal date and renewal fee for a funeral
3 directors' director's license are specified under s. 440.08 (2) (a). ~~Before any renewal~~
4 license is delivered to any licensed funeral director, proof must be furnished by the
5 applicant, to the satisfaction of the examining board, that the applicant is doing
6 business at a recognized funeral establishment, except that if such applicant is not
7 doing business at a recognized funeral establishment at the time of application for
8 a license, the applicant shall be given a certificate, without additional cost, to the
9 effect that the applicant is in good standing as a funeral director, and shall be entitled
10 to a renewal license at any time during that license period, when located at a
11 recognized funeral establishment, without payment of any additional renewal fee.
12 The An applicant for renewal of a funeral director's license must also furnish proof
13 of completion of at least 15 hours of continuing education during the ~~previous 2-year~~
14 licensure period immediately preceding the date of the application for renewal,
15 except that new licensees are exempt from this requirement during the time between
16 initial licensure and commencement of a full 2-year licensure period.

17 **SECTION 3607.** 445.125 (1) (a) 2. of the statutes is amended to read:

18 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
19 irrevocable as to the first \$2,500 \$3,300 of the funds paid under the agreement by
20 each depositor.

21 **SECTION 3608.** 445.13 (1m) (d) of the statutes is amended to read:

22 445.13 (1m) (d) Mail or transmit electronically a report of final disposition
23 required under s. 69.18 (3) (a) before effecting a final disposition, as defined in s.
24 69.01 (11).

25 **SECTION 3609.** 551.31 (4m) (c) of the statutes is amended to read:

SENATE BILL 55**SECTION 3609**

1 551.31 (4m) (c) The federal covered adviser has complied with the notice filing
2 and fee payment provisions under s. 551.32 (1m).

3 **SECTION 3610.** 551.32 (1) (a) of the statutes is amended to read:

4 551.32 (1) (a) A broker-dealer, agent, investment adviser, or investment
5 adviser representative may obtain an initial or renewal license by filing with the
6 division, or with an organization which the division by rule designates, an
7 application ~~together with~~ and a consent to service of process under s. 551.65 (1), by
8 paying the fee prescribed under s. 551.52 (2), and, if the filing is made with an
9 organization designated by the division, by paying any reasonable fee charged by the
10 organization for processing the filing. If the filing is made with an organization
11 designated by the division, the broker-dealer, agent, investment adviser, or
12 investment adviser representative may transmit the fee prescribed under s. 551.52
13 (2) to the division through the organization.

14 **SECTION 3611.** 551.32 (1m) (a) of the statutes is amended to read:

15 551.32 (1m) (a) ~~If required under s. 551.31 (4m), a~~ A federal covered adviser
16 shall file with the division ~~a,~~ or with an organization which the division by rule
17 designates, any notice filing together with required under s. 551.31 (4m) and shall
18 pay the fee prescribed under s. 551.52 (2) and, if the notice filing is made with an
19 organization designated by the division, any reasonable fee charged by the
20 organization for processing the notice filing. The notice filing shall consist either of
21 a notice filing form prescribed by the division by rule or a copy of those documents
22 that have been filed with the federal securities and exchange commission as the
23 division, by rule or order, may require. If the notice filing is made with an
24 organization designated by the division, the federal covered adviser may transmit
25 the fee prescribed under s. 551.52 (2) to the division through the organization.

SENATE BILL 55**SECTION 3612**

1 **SECTION 3612.** 551.32 (1m) (b) of the statutes is amended to read:

2 551.32 **(1m)** (b) An initial notice filing is effective upon receipt by the division,
3 or by an organization designated by the division under par. (a), of the documents and
4 fee fees required in par. (a). A renewal notice filing is effective upon the expiration
5 under sub. (8) (a) of the prior notice filing, or upon receipt by the division, or by an
6 organization designated by the division under par. (a), of the documents and fee fees
7 required under par. (a), whichever is later.

8 **SECTION 3613.** 551.32 (9) (b) of the statutes is amended to read:

9 551.32 **(9)** (b) Termination of a notice filing under ~~s. 551.32 sub.~~ sub. (1m) is effective
10 upon receipt by the division, or by an organization designated by the division under
11 sub. (1m) (a), of written notification of termination.

12 **SECTION 3614.** 551.33 (3) of the statutes is amended to read:

13 551.33 **(3)** If the information contained in any application for a license or other
14 document filed with the division or an organization designated under s. 551.32 (1)
15 (a) or (1m) (a) is or becomes inaccurate or incomplete in any material respect, the
16 licensee person filing the application or document shall promptly file a correcting
17 amendment, except that a federal covered adviser shall file a correcting amendment
18 when it is required to be filed with the securities and exchange commission, unless
19 notification of the correction has been given under s. 551.32 (9) (a).

20 **SECTION 3615.** 551.51 (2) of the statutes is amended to read:

21 551.51 **(2)** It is unlawful for the division or any officers or employees of the
22 division to use for personal benefit any information which is filed with or obtained
23 by the division or an organization designated under s. 551.32 (1) (a) or (1m) (a) and
24 which is not generally available to the public. Nothing in this chapter authorizes the
25 division or any officers or employees of the division to disclose any confidential

SENATE BILL 55**SECTION 3615**

1 information except among themselves or to other securities administrators or
2 regulatory authorities or when necessary or appropriate in a proceeding or
3 investigation under this chapter. No provision of this chapter either creates or
4 derogates from any privilege which exists at common law or otherwise when
5 documentary or other evidence is sought under a subpoena directed to the division
6 or any officers or employees of the division.

7 **SECTION 3616.** 551.52 (4) of the statutes is amended to read:

8 551.52 (4) The division may by rule require the payment of prescribed fees for
9 delinquent or materially deficient filings of information or documents required
10 under this chapter to be filed with the division or an organization designated under
11 s. 551.32 (1) (a) or (1m) (a).

12 **SECTION 3617.** 551.54 of the statutes is amended to read:

13 **551.54 Misleading filings.** It is unlawful for any person to make or cause to
14 be made, in any document filed with the division, or filed under s. 551.32 (1) (a) or
15 (1m) (a) with an organization designated by the division, or in any proceeding under
16 this chapter, any statement which is, at the time and in the light of the circumstances
17 under which it is made, false or misleading in any material respect or, in connection
18 with such statement, to omit to state a material fact necessary in order to make the
19 statements made, in the light of the circumstances under which they are made, not
20 misleading.

21 **SECTION 3618.** 551.64 (1) of the statutes is amended to read:

22 551.64 (1) A document is filed when it is received by the division or, if
23 authorized under s. 551.32 (1) (a) or (1m) (a), an organization designated by the
24 division.

25 **SECTION 3619.** 551.65 (1) of the statutes is amended to read:

SENATE BILL 55**SECTION 3619**

1 551.65 (1) Every applicant for license or registration under this chapter, every
2 person filing a notice filing under this chapter, and every issuer that proposes to offer
3 a security in this state through any person acting as agent shall file with the division,
4 or, if applying for a license, with the any organization designated by the division
5 under s. 551.32 (1) (a) or (1m) (a) to receive the applicable notice filing or application,
6 an irrevocable consent appointing the division to be his or her attorney to receive
7 service of any lawful process in any noncriminal suit, action, or proceeding against
8 him or her or a successor, executor, or administrator that arises under this chapter
9 or any rule or order under this chapter after the consent has been filed, with the same
10 validity as if served personally on the person filing the consent. The consent shall
11 be in the form the division by rule prescribes. The consent need not be filed by a
12 person who has filed a consent in connection with a previous registration or notice
13 filing or license that is then in effect. Service may be made by leaving a copy of the
14 process at the office of the division, but it is not effective unless the plaintiff, who may
15 be the division in a suit, action, or proceeding instituted by the division, promptly
16 sends notice of the service and a copy of the process by registered or certified mail to
17 the defendant or respondent at the person's last address on file with the division, and
18 the plaintiff's affidavit of compliance with this subsection is filed in the case on or
19 before the return day of the process, or within such time as the court allows.

20 **SECTION 3620.** 560.07 (3) (a) of the statutes is amended to read:

21 560.07 (3) (a) Serve as the state's official liaison agency between persons
22 interested in locating new economic enterprises in Wisconsin, and state and local
23 groups seeking new enterprises. In this respect the department shall aid
24 communities in organizing for and obtaining new business or expanding existing
25 business and shall respond to requests which reflect interest in locating economic

SENATE BILL 55**SECTION 3620**

1 enterprises in the state. When the secretary considers it appropriate, the
2 department shall refer requests for economic development assistance to Forward
3 Wisconsin, ~~inc.~~ Inc., and shall attempt to prevent duplication of efforts between the
4 department and Forward Wisconsin, ~~inc~~ Inc.

5 **SECTION 3621.** 560.07 (3) (b) of the statutes is amended to read:

6 560.07 (3) (b) Contract with Forward Wisconsin, ~~inc.~~ Inc., if the secretary
7 determines it appropriate, to pay Forward Wisconsin, ~~inc.~~ Inc., an amount not to
8 exceed the ~~amount~~ amounts appropriated under s. 20.143 (1) (bm), and (kn) to
9 establish and implement a nationwide business development promotion campaign
10 to attract persons interested in locating new enterprises in this state and to
11 encourage the retention and expansion of businesses and jobs in this state. Funds
12 may be expended to carry out the contract only as provided in s. 16.501.

13 **SECTION 3622.** 560.07 (3) (c) of the statutes is amended to read:

14 560.07 (3) (c) Whenever appropriate, submit to the secretary of administration
15 a report setting forth the amount of private contributions received by Forward
16 Wisconsin, ~~inc.~~ Inc., since the time the department last submitted such a report.

17 **SECTION 3623.** 560.07 (9) of the statutes is amended to read:

18 560.07 (9) On or before July 1, 1985, and every July 1 thereafter, submit to the
19 chief clerk of each house of the legislature, for distribution to the appropriate
20 standing committees under s. 13.172 (3), a report stating the net jobs gain due to the
21 funds provided Forward Wisconsin, ~~inc.~~ Inc., under s. 20.143 (1) (bm) and (kn).

22 **SECTION 3624.** 560.125 of the statutes is created to read:

23 **560.125 Green tier and environmental management system grant**
24 **program.** (1) The department shall make grants from the appropriation under s.
25 20.143 (3) (z) to nongovernmental organizations to help those organizations develop

SENATE BILL 55**SECTION 3624**

1 the ability to participate as interested persons in the green tier program under s.
2 299.83. The department shall allocate at least \$150,000 in the 2001-03 fiscal
3 biennium for grants under this subsection.

4 (2) The department shall make grants from the appropriation under s. 20.143
5 (3) (z) to assist persons to develop environmental management systems, as defined
6 in s. 299.83 (1) (b).

7 **SECTION 3625.** 560.13 (1) (b) of the statutes is amended to read:

8 560.13 (1) (b) "Brownfields redevelopment" means any work or undertaking by
9 a person, ~~municipality or local development corporation~~ to acquire a brownfields
10 facility or site and to raze, demolish, remove, reconstruct, renovate, or rehabilitate
11 the facility or existing buildings, structures, or other improvements at the site for the
12 purpose of promoting the use of the facility or site for commercial, industrial, or other
13 purposes. "Brownfields redevelopment" does not include construction of new
14 facilities on the site for any purpose other than environmental remediation
15 activities.

16 **SECTION 3626.** 560.13 (1) (e) of the statutes is repealed.

17 **SECTION 3627.** 560.13 (1) (f) of the statutes is repealed.

18 **SECTION 3628.** 560.13 (1) (g) of the statutes is amended to read:

19 560.13 (1) (g) "Person" means an individual, partnership, limited liability
20 company, corporation or limited liability company, nonprofit organization, city,
21 village, town, county, or trustee, including a trustee in bankruptcy.

22 **SECTION 3629.** 560.13 (2) (a) (intro.) of the statutes is amended to read:

23 560.13 (2) (a) (intro.) Subject to subs. (4) and (5), from the appropriations under
24 s. 20.143 (1) (br) and (qm) the department may make a grant to a person,
25 ~~municipality or local development corporation~~ if all of the following apply:

SENATE BILL 55**SECTION 3630**

1 **SECTION 3630.** 560.13 (2) (a) 1m. of the statutes is created to read:

2 560.13 (2) (a) 1m. The recipient does not use the grant proceeds to pay lien
3 claims of the department of natural resources or the federal environmental
4 protection agency based on investigation or remediation activities of the department
5 of natural resources or the federal environmental protection agency or to pay
6 delinquent real estate taxes or interest or penalties that relate to those taxes.

7 **SECTION 3631.** 560.13 (4) (a) of the statutes is repealed.

8 **SECTION 3632.** 560.13 (4) (am) of the statutes is repealed.

9 **SECTION 3633.** 560.135 (1) (d) of the statutes is amended to read:

10 560.135 (1) (d) “Community-based organization” ~~has the meaning given in s.~~
11 560.14 (1) (e) means an organization that is involved in economic development and
12 that helps businesses that are likely to employ persons.

13 **SECTION 3634.** 560.137 (1) (c) of the statutes is amended to read:

14 560.137 (1) (c) “Qualified business” means an existing or start-up business,
15 including a Native American business, that is located in this state.

16 **SECTION 3635.** 560.138 (1) (a) of the statutes is renumbered 560.138 (1) (an).

17 **SECTION 3636.** 560.138 (1) (ac) of the statutes is created to read:

18 560.138 (1) (ac) “Brownfields” has the meaning given in s. 560.13 (1) (a).

19 **SECTION 3637.** 560.138 (1) (b) of the statutes is amended to read:

20 560.138 (1) (b) “Qualified business” means an existing or start-up business,
21 including a Native American business, that is located in or expanding into this state.

22 **SECTION 3638.** 560.138 (1) (c) of the statutes is created to read:

23 560.138 (1) (c) “Remediating brownfields” means abating, removing, or
24 containing environmental pollution at a brownfields facility or site, or restoring soil
25 or groundwater at a brownfields facility or site.

SENATE BILL 55**SECTION 3639**

1 **SECTION 3639.** 560.138 (2) (a) of the statutes is renumbered 560.138 (2) (a)
2 (intro.) and amended to read:

3 560.138 (2) (a) (intro.) Subject to subs. (3) and (4), from the appropriations
4 under s. 20.143 (1) (~~id~~) (ig) and (~~km~~) (kj), the department may make a grant or loan
5 to a qualified business for a project for ~~the purpose of diversifying~~ any of the following
6 purposes:

7 1. Diversifying the economy of a community.

8 **SECTION 3640.** 560.138 (2) (a) 2. of the statutes is created to read:

9 560.138 (2) (a) 2. Remediating brownfields.

10 **SECTION 3641.** 560.138 (2) (b) 4. of the statutes is created to read:

11 560.138 (2) (b) 4. Whether a project will take place in a rural community, as
12 determined by the department.

13 **SECTION 3642.** 560.138 (5) of the statutes is amended to read:

14 560.138 (5) The department shall deposit into the appropriation account under
15 s. 20.143 (1) (~~id~~) (ig) all moneys received in repayment of loans made under this
16 section.

17 **SECTION 3643.** 560.139 (1) (a) of the statutes is renumbered 560.139 (1) (a) 1.
18 and amended to read:

19 560.139 (1) (a) 1. Subject to ~~par. (b)~~ subd. 2., from the appropriation under s.
20 20.143 (1) (kj) ~~or (km) or from both appropriations~~, the department shall make grants
21 to the city of Milwaukee to fund a program to be administered by the Milwaukee
22 Economic Development Corporation. Under the program, the Milwaukee Economic
23 Development Corporation shall provide grants to persons for remediation and
24 economic redevelopment projects in the Menomonee valley. A person may not receive

SENATE BILL 55**SECTION 3643**

1 a grant unless the person provides matching funds for at least 50% of the cost of the
2 project.

3 **SECTION 3644.** 560.139 (1) (b) of the statutes is renumbered 560.139 (1) (a) 2.
4 and amended to read:

5 560.139 (1) (a) 2. The department may not expend more than \$900,000 in
6 grants to the city of Milwaukee under this subsection paragraph.

7 **SECTION 3645.** 560.139 (1) (c) of the statutes is created to read:

8 560.139 (1) (c) 1. Subject to subd. 3., from the appropriation under s. 20.143 (1)
9 (qm), the department shall make grants to the Milwaukee Economic Development
10 Corporation for the grant program administered by the Milwaukee Economic
11 Development Corporation under par. (a) and shall make grants to the Menomonee
12 Valley Partners, Inc.

13 2. The proceeds of the grants under subd. 1. must be used to support the
14 creation of jobs and private sector implementation of the Menomonee valley land use
15 plan. A person may not receive a grant under the program administered by the
16 Milwaukee Economic Development Corporation or from the Menomonee Valley
17 Partners, Inc., unless the person provides matching funds at least equal to the
18 amount of the grant.

19 3. The department may not pay grant proceeds under subd. 1. after June 30,
20 2003.

21 **SECTION 3646.** 560.139 (2) (a) of the statutes is amended to read:

22 560.139 (2) (a) From the appropriation under s. 20.143 (1) (kj) ~~or (km) or from~~
23 ~~both appropriations~~, the department shall make grants to the Northwest Regional
24 Planning Commission to match federal or private funds for the purpose of
25 establishing a community-based venture fund. Subject to par. (b), the department

SENATE BILL 55**SECTION 3646**

1 shall provide grants in an amount that equals 50% of the total amount that the
2 Northwest Regional Planning Commission receives in the year from federal or
3 private sources for the community-based venture fund.

4 **SECTION 3647.** 560.14 of the statutes is repealed.

5 **SECTION 3648.** 560.143 of the statutes is created to read:

6 **560.143 New economy for Wisconsin program. (1) DEFINITIONS.** In this
7 section:

8 (a) "Community-based business incubator" means a person involved in local
9 economic development who operates a facility that is designed to encourage the
10 growth of new businesses by providing office or laboratory space and services.

11 (b) "Small business" means a business that has fewer than 100 full-time
12 employees.

13 **(2) GRANTS; ELIGIBILITY.** From the appropriation under s. 20.143 (1) (fg), the
14 department may make a grant not exceeding \$100,000 to any of the following:

15 (a) A community-based business incubator that focuses on providing services
16 to high-technology businesses, or on promoting entrepreneurship, and for which at
17 least 2 of the following apply:

18 1. Space in the facility is rented at a rate lower than the market rate in the
19 community.

20 2. Shared business services are provided in the facility.

21 3. Management and technical assistance are available at the facility.

22 4. Businesses using the facility may obtain financial capital through a direct
23 relationship with at least one financial institution.

SENATE BILL 55**SECTION 3648**

1 (b) A nonprofit organization that focuses on providing services to
2 high-technology businesses, or on promoting entrepreneurship, or that provides
3 services or opportunities linking entrepreneurs with potential investors.

4 **(3) USE OF PROCEEDS.** A community-based business incubator or a nonprofit
5 organization that receives a grant under this section may use the grant proceeds only
6 for a project that does any of the following:

7 (a) Assists small businesses in adopting new technologies in their operations.

8 (b) Assists technology-based small businesses in activities that further the
9 transfer of technology.

10 (c) Assists entrepreneurs in discovering business opportunities.

11 **(4) BASES FOR GRANT AWARDS.** In awarding grants under this section, the
12 department shall consider all of the following:

13 (a) The quality of the applicant's proposal.

14 (b) The applicant's commitment to the project.

15 (c) The project's potential for economic growth.

16 (d) The past performance of the applicant and of any proposed partners.

17 (e) The qualifications of the individuals who will work on the project.

18 (f) The need for the project by the applicant's clients.

19 (g) The strength of the applicant's collaboration or partnerships with other
20 organizations.

21 (h) The project's use of available resources from Wisconsin educational
22 institutions.

23 (i) The project's ability to produce sustainable and continuing benefits after the
24 project is completed.

25 (j) The economic distress of the area served by the project.

SENATE BILL 55**SECTION 3648**

1 (k) The readiness of the applicant to implement the project.

2 (5) DEPARTMENT RESPONSIBILITIES. The department shall do all of the following:

3 (a) Develop an application to be used for grants under this section and furnish
4 the application to prospective applicants upon request.

5 (b) Promulgate rules for administering the grants under this section.

6 (c) Enter into a written agreement with a recipient of a grant under this section
7 that requires the recipient to submit to the department, within 6 months after
8 spending the full amount of the grant proceeds, a report detailing how the grant
9 proceeds were used.

10 **SECTION 3649.** 560.155 (1) (intro.) of the statutes is amended to read:

11 560.155 (1) (intro.) Subject to sub. (2), from the appropriation under s. 20.143
12 (1) (kp) the department may award a grant to a business if all of the following apply:

13 **SECTION 3650.** 560.165 (title) of the statutes is amended to read:

14 **560.165** (title) ~~**Division of international and export development**~~
15 **International services; fees and assessments.**

16 **SECTION 3651.** 560.165 of the statutes is renumbered 560.165 (1) and amended
17 to read:

18 560.165 (1) The division of international and export development may charge
19 fees for services it provides to cover the costs incurred by the division in providing
20 the services. The division shall ~~deposit all fees~~ credit all moneys collected under this
21 section in subsection to the appropriation account under s. 20.143 (1) (g).

22 **SECTION 3652.** 560.165 (2) of the statutes is created to read:

23 560.165 (2) The department may assess any state agency any amount that the
24 department determines is required for the services of its international liaison. For
25 this purpose, the department may assess state agencies on a premium basis and pay

SENATE BILL 55**SECTION 3652**

1 costs incurred on an actual basis. The department shall credit all moneys received
2 from state agencies under this subsection to the appropriation account under s.
3 20.143 (1) (k).

4 **SECTION 3653.** 560.167 (1) (a) of the statutes is amended to read:

5 560.167 (1) (a) "Eligible business" means a business operating in this state that
6 manufactures a product or performs a service, or both, with a potential to be exported
7 and that, together with all of its affiliates and subsidiaries ~~and its parent company,~~
8 had gross annual sales of \$25,000,000 or less in the calendar year preceding the year
9 in which it applies for a reimbursement under this section.

10 **SECTION 3654.** 560.167 (1) (d) of the statutes is created to read:

11 560.167 (1) (d) "United States trade show" means a trade event held in the
12 United States that brings prospective foreign buyers to a central location and that
13 is certified or coordinated by the U.S. department of commerce or the department.

14 **SECTION 3655.** 560.167 (2) (intro.) of the statutes is amended to read:

15 560.167 (2) (intro.) Subject to sub. ~~subs.~~ subs. (2m) and (5), the department may
16 make reimbursements totaling no more than \$100,000 in a fiscal year from the
17 appropriations under s. 20.143 (1) (c) and (ie) to eligible businesses for any of the
18 following:

19 **SECTION 3656.** 560.167 (2) (a) of the statutes is amended to read:

20 560.167 (2) (a) Fees for participation in a trade show, U.S. trade show, or
21 matchmaker trade delegation event.

22 **SECTION 3657.** 560.167 (2) (b) of the statutes is amended to read:

23 560.167 (2) (b) Costs associated with shipping displays, sample products,
24 catalogs, or advertising material to a trade show, U.S. trade show, or matchmaker
25 trade delegation event.

SENATE BILL 55**SECTION 3658**

1 **SECTION 3658.** 560.167 (2) (c) of the statutes is amended to read:

2 560.167 (2) (c) Costs incurred at a trade show, U.S. trade show, or matchmaker
3 trade delegation event for utilities, booth construction, or necessary modifications or
4 repairs.

5 **SECTION 3659.** 560.167 (2) (d) of the statutes is amended to read:

6 560.167 (2) (d) Costs associated with foreign language translation of brochures
7 or product information or with the use of translation services at a trade show, U.S.
8 trade show, or matchmaker trade delegation event.

9 **SECTION 3660.** 560.167 (2m) of the statutes is created to read:

10 560.167 (2m) The department may reimburse the fees and costs under sub. (2)
11 that are related to participation in a U.S. trade show only if the eligible business
12 seeking reimbursement for its participation has developed a high-technology
13 product with worldwide application.

14 **SECTION 3661.** 560.167 (5) (b) of the statutes is amended to read:

15 560.167 (5) (b) Reimburse an eligible business more than \$5,000 for
16 participation in a trade show, U.S. trade show, or matchmaker trade delegation
17 event.

18 **SECTION 3662.** 560.167 (5) (c) of the statutes is amended to read:

19 560.167 (5) (c) Reimburse an eligible business for participating more than one
20 time in the same trade show, U.S. trade show, or matchmaker trade delegation event
21 held at different times or in different locations.

22 **SECTION 3663.** 560.167 (6) of the statutes is amended to read:

23 560.167 (6) An eligible business that is approved for a reimbursement under
24 sub. (4) shall provide to the department, within 90 days after the trade show, U.S.

SENATE BILL 55**SECTION 3663**

1 trade show, or matchmaker trade delegation event for which the reimbursement is
2 sought, documentation detailing the costs for which the reimbursement is sought.

3 **SECTION 3664.** 560.17 (7) (e) of the statutes is created to read:

4 560.17 (7) (e) If the board awards, and the department makes, a grant under
5 sub. (3) or (5c), the department may contract directly with and pay grant proceeds
6 directly to any person providing technical or management assistance to the grant
7 recipient.

8 **SECTION 3665.** 560.175 (7) of the statutes is created to read:

9 560.175 (7) If the department awards a grant under this section, the
10 department may contract directly with and pay grant proceeds directly to any person
11 providing technical or management assistance to the grant recipient.

12 **SECTION 3666.** 560.181 of the statutes is created to read:

13 **560.181 Forest product marketing.** From the appropriation under s. 20.143
14 (1) (qn), the department may promote, advertise, publicize, and otherwise market
15 products made in the state of timber produced in the state.

16 **SECTION 3667.** 560.183 (title) of the statutes is amended to read:

17 **560.183 (title) Physician and dentist loan assistance program.**

18 **SECTION 3668.** 560.183 (1) (ad) of the statutes is created to read:

19 560.183 (1) (ad) "Dental health shortage area" means an area that is
20 designated by the federal department of health and human services under 42 CFR
21 part 5, appendix B, as having a shortage of dental professionals.

22 **SECTION 3669.** 560.183 (1) (ae) of the statutes is created to read:

23 560.183 (1) (ae) "Dentist" means a dentist, as defined in s. 447.01 (7), who is
24 licensed under ch. 447 and who practices general or pediatric dentistry.

25 **SECTION 3670.** 560.183 (2) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 3670**

1 560.183 (2) (a) The department may repay, on behalf of a physician or dentist,
2 up to \$50,000 in educational loans obtained by the physician or dentist from a public
3 or private lending institution for education in an accredited school of medicine or
4 dentistry or for postgraduate medical or dental training.

5 **SECTION 3671.** 560.183 (2) (b) of the statutes is amended to read:

6 560.183 (2) (b) A physician or dentist who is a participant in the national health
7 service corps scholarship program under 42 USC 254n, or a physician or dentist who
8 was a participant in that program and who failed to carry out his or her obligations
9 under that program, is not eligible for loan repayment under this section.

10 **SECTION 3672.** 560.183 (3) (a) of the statutes is amended to read:

11 560.183 (3) (a) The department shall enter into a written agreement with the
12 physician. ~~In the agreement, the physician shall agree, in which the physician~~
13 agrees to practice at least 32 clinic hours per week for 3 years in one or more eligible
14 practice areas in this state, except that a physician specializing in psychiatry may
15 only agree to practice psychiatry in a mental health shortage area and a physician
16 in the expanded loan assistance program under sub. (9) may only agree to practice
17 at a public or private nonprofit entity in a health professional shortage area. The
18 physician shall also agree to care for patients who are insured or for whom health
19 benefits are payable under medicare, medical assistance, or any other governmental
20 program.

21 **SECTION 3673.** 560.183 (3) (am) of the statutes is created to read:

22 560.183 (3) (am) The department shall enter into a written agreement with the
23 dentist, in which the dentist agrees to practice at least 32 clinic hours per week for
24 3 years in one or more dental health shortage areas in this state. The dentist shall

SENATE BILL 55**SECTION 3673**

1 also agree to care for patients who are insured or for whom dental health benefits are
2 payable under medicare, medical assistance, or any other governmental program.

3 **SECTION 3674.** 560.183 (5) (b) 1. of the statutes is amended to read:

4 560.183 (5) (b) 1. The degree to which there is an extremely high need for
5 medical care in the eligible practice area or health professional shortage area in
6 which ~~the a~~ a physician desires to practice and the degree to which there is an
7 extremely high need for dental care in the dental health shortage area in which a
8 dentist desires to practice.

9 **SECTION 3675.** 560.183 (5) (b) 2. of the statutes is amended to read:

10 560.183 (5) (b) 2. The likelihood that a physician will remain in the eligible
11 practice area or health professional shortage area, and that a dentist will remain in
12 the dental health shortage area, in which he or she desires to practice after the loan
13 repayment period.

14 **SECTION 3676.** 560.183 (5) (b) 3. of the statutes is amended to read:

15 560.183 (5) (b) 3. The per capita income of the eligible practice area or health
16 professional shortage area in which a physician desires to practice and of the dental
17 health shortage area in which a dentist desires to practice.

18 **SECTION 3677.** 560.183 (5) (b) 4. of the statutes is amended to read:

19 560.183 (5) (b) 4. The financial or other support for physician recruitment and
20 retention provided by individuals, organizations, or local governments in the eligible
21 practice area or health professional shortage area in which a physician desires to
22 practice and for dentist recruitment and retention provided by individuals,
23 organizations, or local governments in the dental health shortage area in which a
24 dentist desires to practice.

25 **SECTION 3678.** 560.183 (5) (b) 5. of the statutes is amended to read:

SENATE BILL 55**SECTION 3678**

1 560.183 (5) (b) 5. The geographic distribution of the physicians and dentists
2 who have entered into loan repayment agreements under this section and the
3 geographic distribution of the eligible practice areas ~~or~~, health professional shortage
4 areas, and dental health shortage areas in which the eligible applicants desire to
5 practice.

6 **SECTION 3679.** 560.183 (5) (d) of the statutes is amended to read:

7 560.183 (5) (d) An agreement under sub. (3) does not create a right of action
8 against the state on the part of the physician, dentist, or the lending institution for
9 failure to make the payments specified in the agreement.

10 **SECTION 3680.** 560.183 (6m) (a) (intro.) of the statutes is amended to read:

11 560.183 (6m) (a) (intro.) The department shall, by rule, establish penalties to
12 be assessed by the department against physicians and dentists who breach an
13 agreement agreements entered into under sub. (3) ~~(a)~~. The rules shall do all of the
14 following:

15 **SECTION 3681.** 560.183 (8) (b) of the statutes is amended to read:

16 560.183 (8) (b) Advise the department and rural health development council
17 on the identification of eligible practice areas with an extremely high need for
18 medical care and dental health shortage areas with an extremely high need for
19 dental care.

20 **SECTION 3682.** 560.183 (8) (d) of the statutes is amended to read:

21 560.183 (8) (d) Assist the department to publicize the program under this
22 section to physicians, dentists, and eligible communities.

23 **SECTION 3683.** 560.183 (8) (e) of the statutes is amended to read:

24 560.183 (8) (e) Assist physicians and dentists who are interested in applying
25 for the program under this section.

SENATE BILL 55**SECTION 3684**

1 **SECTION 3684.** 560.183 (8) (f) of the statutes is amended to read:

2 560.183 (8) (f) Assist communities in obtaining physicians' and dentists'
3 services through the program under this section.

4 **SECTION 3685.** 560.183 (9) (intro.) of the statutes is amended to read:

5 560.183 (9) EXPANDED LOAN ASSISTANCE PROGRAM. (intro.) The department may
6 agree to repay loans as provided under this section on behalf of a physician or dentist
7 under an expanded physician and dentist loan assistance program that is funded
8 through federal funds in addition to state matching funds. To be eligible for loan
9 repayment under the expanded physician and dentist loan assistance program, a
10 physician or dentist must fulfill all of the requirements for loan repayment under
11 this section, as well as all of the following:

12 **SECTION 3686.** 560.183 (9) (a) of the statutes is amended to read:

13 560.183 (9) (a) The physician or dentist must be a U.S. citizen.

14 **SECTION 3687.** 560.183 (9) (b) of the statutes is amended to read:

15 560.183 (9) (b) The physician or dentist may not have a judgment lien against
16 his or her property for a debt to the United States.

17 **SECTION 3688.** 560.183 (9) (c) (intro.) of the statutes is amended to read:

18 560.183 (9) (c) (intro.) The physician or dentist must agree to do all of the
19 following:

20 **SECTION 3689.** 560.183 (9) (c) 2. of the statutes is amended to read:

21 560.183 (9) (c) 2. Use a sliding fee scale or a comparable method of determining
22 payment arrangements for patients who are not eligible for medicare or medical
23 assistance and who are unable to pay the customary fee for the physician's or
24 dentist's services.

25 **SECTION 3690.** 560.183 (9) (c) 3. of the statutes is amended to read:

SENATE BILL 55**SECTION 3690**

1 560.183 (9) (c) 3. Practice at a public or private nonprofit entity in a health
2 professional shortage area, if a physician, or in a dental health shortage area, if a
3 dentist.

4 **SECTION 3691.** 560.185 (1) of the statutes is amended to read:

5 560.185 (1) Advise the department on matters related to the physician and
6 dentist loan assistance program under s. 560.183 and the health care provider loan
7 assistance program under s. 560.184.

8 **SECTION 3692.** 560.25 (2) (intro.) of the statutes is amended to read:

9 560.25 (2) GRANTS. (intro.) Subject to ~~subs. sub.~~ (4) ~~and (5)~~, the department
10 may make a grant from the appropriation under s. 20.143 (1) (~~ie~~) (ko) to a
11 technology-based nonprofit organization to provide support for a manufacturing
12 extension center if all of the following apply:

13 **SECTION 3693.** 560.25 (5) of the statutes is repealed.

14 **SECTION 3694.** 560.42 (5) of the statutes is repealed and recreated to read:

15 560.42 (5) REPORT. Beginning in 2003 and biennially thereafter, the center
16 shall prepare a report describing its activities under this section since the period
17 covered in the previous report. The department shall submit the report with the
18 report required under s. 560.55. The report may include recommendations for the
19 legislature, governor, public records board, and regulatory agencies on simplifying
20 the process of applying for permits, of reviewing and making determinations on
21 permit applications, and of issuing permits, and shall include information on the
22 number of requests for assistance, the types of assistance provided, and the center's
23 success in resolving conflicts in permit application and review processes.

24 **SECTION 3695.** 560.42 (6) of the statutes is repealed.

25 **SECTION 3696.** 560.44 (2) of the statutes is amended to read:

SENATE BILL 55**SECTION 3696**

1 560.44 (2) ADMINISTRATION OF BROWNFIELDS GRANT PROGRAM PROGRAMS. The
2 center shall assist in administering the grant program programs under s. ss. 560.13
3 and 560.132 and in administering grants and loans under s. 560.138 that are made
4 for brownfields remediation projects.

5 **SECTION 3697.** 560.55 (1) of the statutes is repealed.

6 **SECTION 3698.** 560.55 (2) of the statutes is renumbered 560.55 and amended
7 to read:

8 **560.55 Evaluation and report Report.** ~~No Beginning on October 15, 2003,~~
9 ~~and no later than January 1 October 15~~ of each odd-numbered year ~~thereafter~~, the
10 department shall submit to the governor and to the chief clerk of each house of the
11 legislature, for distribution to the legislature under s. 13.172 (2), a report ~~containing~~
12 ~~the evaluation prepared under sub. (1) and~~ describing the department's activities
13 and the result of the department's activities under s. 560.54 since the period covered
14 in the previous report. The department shall combine this report with the report
15 required under s. 560.42 (5) and may combine this report with other reports
16 published by the department, including the report under s. 15.04 (1) (d). The report
17 may include recommendations for legislative proposals to change the
18 entrepreneurial assistance programs and intermediary assistance programs.

19 **SECTION 3699.** 560.68 (3) of the statutes is amended to read:

20 560.68 (3) The department may charge a grant or loan recipient an origination
21 fee of up to 2% of the grant or loan amount if the grant or loan exceeds \$200,000 and
22 is awarded under s. 560.63 or 560.66. The department shall deposit all origination
23 fees collected under this subsection in the appropriation account under s. 20.143 (1)
24 ~~(gm)~~ (h).

SENATE BILL 55**SECTION 3700**

1 **SECTION 3700.** 560.70 (7) of the statutes is renumbered 560.70 (7) (a) and
2 amended to read:

3 560.70 (7) (a) “Tax Except as provided in par. (b), “tax benefits” means the
4 development zones credit under ss. 71.07 (2dx), 71.28 (1dx), and 71.47 (1dx), except
5 that in.

6 (b) In s. 560.795, “tax benefits” means the development zones investment credit
7 under ss. 71.07 (2di), 71.28 (1di), and 71.47 (1di) and the development zones credit
8 under ss. 71.07 (2dx), 71.28 (1dx), and 71.47 (1dx). With respect to the development
9 opportunity zone under s. 560.795 (1) (e), “tax benefits” also means the development
10 zones capital investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

11 **SECTION 3701.** 560.795 (1) (e) of the statutes is created to read:

12 560.795 (1) (e) An area in the city of Milwaukee, the legal description of which
13 is provided to the department by the local governing body of the city of Milwaukee.

14 **SECTION 3702.** 560.795 (2) (a) of the statutes is amended to read:

15 560.795 (2) (a) Except as provided in par. (d), the designation of each area under
16 sub. (1) (a), (b) and (c), and (e) as a development opportunity zone shall be effective
17 for 36 months, with the designation of the areas under sub. (1) (a) and (b) beginning
18 on April 23, 1994, and the designation of the area under sub. (1) (c) beginning on
19 April 28, 1995. Except as provided in par. (d), the designation of the each area under
20 sub. (1) (d) and (e) as a development opportunity zone shall be effective for 84 months,
21 with the designation of the area under sub. (1) (d) beginning on January 1, 2000, and
22 the designation of the area under sub. (1) (e) beginning on the effective date of this
23 paragraph [revisor inserts date].

24 **SECTION 3703.** 560.795 (2) (b) 5. of the statutes is created to read:

SENATE BILL 55**SECTION 3703**

1 560.795 (2) (b) 5. The limit for tax benefits for the development opportunity
2 zone under sub. (1) (e) is \$4,700,000.

3 **SECTION 3704.** 560.795 (3) (a) 4. of the statutes is created to read:

4 560.795 (3) (a) 4. Any corporation that is conducting or that intends to conduct
5 economic activity in a development opportunity zone under sub. (1) (e) and that, in
6 conjunction with the local governing body of the city in which the development
7 opportunity zone is located, submits a project plan as described in par. (b) to the
8 department shall be entitled to claim tax benefits while the area is designated as a
9 development opportunity zone.

10 **SECTION 3705.** 560.795 (3) (c) of the statutes is amended to read:

11 560.795 (3) (c) The department shall notify the department of revenue of all
12 corporations entitled to claim tax benefits under this section subsection.

13 **SECTION 3706.** 560.795 (3) (d) of the statutes is amended to read:

14 560.795 (3) (d) The department annually shall verify information submitted
15 to the department under s. 71.07 (2di), (2dm), or (2dx), 71.28 (1di), (1dm), or (1dx),
16 or 71.47 (1di), (1dm), or (1dx).

17 **SECTION 3707.** 560.795 (4) (a) (intro.) of the statutes is amended to read:

18 560.795 (4) (a) (intro.) The department shall revoke the entitlement of a
19 corporation to claim tax benefits under ~~this section~~ sub. (3) if the corporation does
20 any of the following:

21 **SECTION 3708.** 560.795 (5) of the statutes is created to read:

22 560.795 (5) CERTIFICATION BASED ON THE ACTIVITY OF ANOTHER. (a) The
23 department may certify for tax benefits a person that is conducting economic activity
24 in the development opportunity zone under sub. (1) (e) and that is not otherwise
25 entitled to claim tax benefits if all of the following apply:

SENATE BILL 55**SECTION 3708**

1 1. The person's economic activity is instrumental in enabling another person
2 to conduct economic activity in the development opportunity zone under sub. (1) (e).

3 2. The department determines that the economic activity of the other person
4 under subd. 1. would not have occurred but for the involvement of the person to be
5 certified for tax benefits under this subsection.

6 3. The person to be certified for tax benefits under this subsection will pass the
7 benefits through to the other person conducting the economic activity under subd.
8 1., as determined by the department.

9 4. The other person conducting the economic activity under subd. 1. does not
10 claim tax benefits under sub. (3).

11 (b) A person intending to claim tax benefits under this subsection shall submit
12 to the department an application, in the form required by the department, containing
13 information required by the department and by the department of revenue.

14 (c) The department shall notify the department of revenue of all persons
15 certified to claim tax benefits under this subsection.

16 (d) The department annually shall verify information submitted to the
17 department under s. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), or 71.47 (1dm) or
18 (1dx).

19 (e) The department shall revoke the entitlement of a person to claim tax
20 benefits under this subsection if the person does any of the following:

21 1. Supplies false or misleading information to obtain the tax benefits.

22 2. Ceases operations in the development opportunity zone under sub. (1) (e).

23 3. Does not pass the benefits through to the other person conducting the
24 economic activity under par. (a) 1., as determined by the department.

SENATE BILL 55**SECTION 3708**

1 (f) The department shall notify the department of revenue within 30 days after
2 revoking an entitlement under par. (e).

3 **SECTION 3709.** 560.80 (4) (a) and (b) of the statutes are consolidated,
4 renumbered 560.80 (4) and amended to read:

5 560.80 (4) "Eligible development project costs" means costs that, in accordance
6 with sound business and financial practices, are appropriately incurred in
7 connection with a development project or a recycling development project.—(b)
8 "~~Eligible development project costs~~", but does not include entertainment expenses or
9 expenses incurred more than 6 months before the board approves a grant or loan
10 under s. 560.83 or 560.835.

11 **SECTION 3710.** 560.80 (5) of the statutes is amended to read:

12 560.80 (5) "Eligible recipient" means a person who is eligible to receive a grant
13 under s. 560.82 (5) (a) or 560.837 or a grant or loan under s. 560.83 (5) (a) or (b) or
14 560.835.

15 **SECTION 3711.** 560.82 (5) of the statutes is renumbered 560.82 (5) (a).

16 **SECTION 3712.** 560.82 (5) (b) of the statutes is created to read:

17 560.82 (5) (b) If the department awards a grant under sub. (1), the department
18 may contract directly with and pay grant proceeds directly to any person providing
19 technical or management assistance to the grant recipient.

20 **SECTION 3713.** 560.96 of the statutes is created to read:

21 **560.96 Technology zones. (1)** In this section, "tax credit" means a credit
22 under s. 71.07 (3g), 71.28 (3g), or 71.47 (3g).

23 **(2)** (a) The department shall designate as technology zones up to 7 areas in the
24 state in fiscal year 2001-02, up to 7 areas in the state in fiscal year 2002-03, and up
25 to 6 areas in the state in fiscal year 2003-04. A business that is located in a

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1 technology zone and that is certified by the department under sub. (3) is eligible for
2 a tax credit as provided in sub. (3).

3 (b) The designation of an area as a technology zone shall be in effect for 10 years
4 from the time that the department first designates the area. However, not more than
5 \$5,000,000 in tax credits may be claimed in a technology zone. The department may
6 change the boundaries of a technology zone during the time that its designation is
7 in effect. A change in the boundaries of a technology zone does not affect the duration
8 of the designation of the area or the maximum tax credit amount that may be claimed
9 in the technology zone.

10 **(3)** (a) The department may certify for tax credits in a technology zone a
11 business that satisfies all of the following requirements:

- 12 1. The business is located in the technology zone.
- 13 2. The business is a new or expanding business.
- 14 3. The business is a high-technology business.

15 (b) In determining whether to certify a business under this subsection, the
16 department shall consider all of the following:

- 17 1. How many new jobs the business is likely to create.
- 18 2. The extent and nature of the high technology used by the business.
- 19 3. The likelihood that the business will attract related enterprises.
- 20 4. The amount of capital investment that the business is likely to make in the
21 state.
- 22 5. The economic viability of the business.

23 (c) When the department certifies a business under this subsection, the
24 department shall establish a limit on the amount of tax credits that the business may
25 claim. Unless its certification is revoked, and subject to the limit on the tax credit

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1 amount established by the department under this paragraph, a business that is
2 certified may claim a tax credit for 3 years, except that a business that experiences
3 growth, as determined for that business by the department under par. (d) and sub.
4 (5) (e), may claim a tax credit for up to 5 years.

5 (d) The department shall enter into an agreement with a business that is
6 certified under this subsection. The agreement shall specify the limit on the amount
7 of tax credits that the business may claim, the extent and type of growth, which shall
8 be specific to the business, that the business must experience to extend its eligibility
9 for a tax credit, the business' baseline against which that growth will be measured,
10 any other conditions that the business must satisfy to extend its eligibility for a tax
11 credit, and reporting requirements with which the business must comply.

12 (4) (a) The department of commerce shall notify the department of revenue of
13 all the following:

- 14 1. A technology zone's designation.
- 15 2. A business' certification and the limit on the amount of tax credits that the
16 business may claim.
- 17 3. The extension or revocation of a business' certification.

18 (b) The department shall annually verify information submitted to the
19 department under ss. 71.07 (3g) (b), 71.28 (3g) (b), and 71.47 (3g) (b).

20 (5) The department shall promulgate rules for the operation of this section,
21 including rules related to all the following:

22 (a) Criteria for designating an area as a technology zone.

23 (b) A business' eligibility for certification, including definitions for all of the
24 following:

- 25 1. New or expanding business.

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1 2. High-technology business.

2 (c) Certifying a business, including use of the factors under sub. (3) (b).

3 (d) Standards for establishing the limit on the amount of tax credits that a
4 business may claim.

5 (e) Standards for extending a business' certification, including what measures,
6 in addition to job creation, the department will use to determine the growth of a
7 specific business and how the department will establish baselines against which to
8 measure growth.

9 (f) Reporting requirements for certified businesses.

10 (g) The exchange of information between the department of commerce and the
11 department of revenue.

12 (h) Reasons for revoking a business' certification.

13 (i) Standards for changing the boundaries of a technology zone.

14 **SECTION 3714.** 565.30 (1) of the statutes is renumbered 565.30 (1) (a) and
15 amended to read:

16 565.30 (1) (a) The ~~Except as provided in sub. (2g) (c), the~~ administrator shall
17 direct the payment of a prize, in the form elected under s. 565.28, if applicable, to the
18 holder of the winning lottery ticket or lottery share or, to a person designated under
19 sub. (2), ~~except that a prize may be paid to another person under a court order or to~~
20 a person under the terms of a court order other than an order issued under sub. (2g).

21 (b) Notwithstanding par. (a), the administrator may direct the payment of a
22 prize, in the form elected under s. 565.28, if applicable, to the estate of a deceased
23 prize winner.

24 (c) The department, administrator, state and any contractor for materials,
25 equipment or services of the game in which the prize is won are discharged of all

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1 liability upon payment of the prize to the holder of a winning lottery ticket or lottery
2 share a person under par. (a) or (b) or sub. (2g).

3 **SECTION 3715.** 565.30 (2g) of the statutes is created to read:

4 565.30 (2g) MULTIPLE PAYEES OF A PRIZE. (a) If the holder of a single winning
5 lottery ticket or lottery share is more than one person and the total amount of the
6 lottery prize is equal to or greater than \$1,000, those persons shall petition a circuit
7 court for an order declaring each person's interest in the lottery prize.

8 (b) An order issued under par. (a) shall include all of the following:

9 1. The name and social security number of each person whom the court
10 determines has an interest in the lottery prize.

11 2. The amount of each person's share of the lottery prize.

12 (c) After a court order has been issued under this subsection, the administrator
13 shall pay to each person whom the court has determined has an interest in the lottery
14 prize, in the form elected under s. 565.28, if applicable, his or her share of the lottery
15 prize as specified in the court order.

16 **SECTION 3716.** 565.30 (5) of the statutes is renumbered 565.30 (5) (a) and
17 amended to read:

18 565.30 (5) (a) The Except as provided in par. (b), the administrator shall report
19 the name, address and social security number or federal income tax number of each
20 winner of person to whom a lottery prize equal to or greater than \$1,000 and the
21 name, address and social security number or federal income tax number of each will
22 be paid under sub. (1), person to whom a lottery prize equal to or greater than \$1,000
23 has been assigned, and person to whom a share of a lottery prize will be paid under
24 sub. (2g) to the department of revenue to determine whether the payee or assignee
25 of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78

SENATE BILL 55**SECTION 3716**

1 or 139 or, if applicable, in the court-ordered payment of child support or has a debt
2 owing to the state.

3 (b) Upon receipt of a report under ~~this subsection~~ par. (a), the department of
4 revenue shall first ascertain based on certifications by the department of workforce
5 development or its designee under s. 49.855 (1) whether any person named in the
6 report is currently delinquent in court-ordered payment of child support and shall
7 next certify to the administrator whether any person named in the report is
8 delinquent in court-ordered payment of child support or payment of state taxes
9 under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of
10 revenue or upon court order the administrator shall withhold the certified amount
11 and send it to the department of revenue for remittance to the appropriate agency
12 or person. At the time of remittance, the department of revenue shall charge its
13 administrative expenses to the state agency that has received the remittance. The
14 administrative expenses received by the department of revenue shall be credited to
15 the appropriation under s. 20.566 (1) (h). In instances in which the payee or assignee
16 of the prize is delinquent both in payments for state taxes and in court-ordered
17 payments of child support, or is delinquent in one or both of these payments and has
18 a debt owing to the state, the amount remitted to the appropriate agency or person
19 shall be in proportion to the prize amount as is the delinquency or debt owed by the
20 payee or assignee.

21 **SECTION 3717.** 565.30 (5m) (a) of the statutes is amended to read:

22 565.30 **(5m)** (a) The administrator shall report to the department of workforce
23 development the name, address and social security number of each winner of person
24 to whom a lottery prize that is payable in instalments will be paid under sub. (1) or
25 (2g) and ~~the name, address and social security number or federal income tax number~~

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1 of the of each person who has been assigned a lottery prize that is payable in
2 instalments. Upon receipt of the report, the department of workforce development
3 shall certify to the administrator whether any payee or assignee named in the report
4 is obligated to provide child support, spousal support, maintenance or family support
5 under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25, 767.26, 767.261, 767.458 (3),
6 767.465 (2m), 767.477, 767.51 (3), 767.62 (4) or 948.22 (7) or ch. 769 and the amount
7 required to be withheld from the lottery prize under s. 767.265. Subject to par. (b),
8 the administrator shall withhold the certified amount from each payment made to
9 the winner or assignee and remit the certified amount to the department of workforce
10 development.

11 **SECTION 3718.** 565.30 (5r) (a) of the statutes is amended to read:

12 565.30 **(5r)** (a) Annually, the administrator shall provide each clerk of circuit
13 court in the state with a list of the winners persons to whom a lottery prize that is
14 payable in installments will be paid under sub. (1) or (2g) or assignees of persons to
15 whom a lottery prize that is payable in instalments has been assigned. The list shall
16 include each winner person to whom a lottery prize that is payable in installments
17 will be paid under sub. (1) or (2g) or assignee since the date of the previous list.

18 **SECTION 3719.** 600.01 (1) (b) 8. of the statutes is amended to read:

19 600.01 **(1)** (b) 8. Guarantees of the Wisconsin Housing and Economic
20 Development Authority under s. 234.68, 1995 stats., s. 234.69, 1995 stats., s.
21 234.765, 1995 stats., s. 234.82, 1995 stats., s. 234.87, 1995 stats., and ss. 234.67,
22 234.83, 234.84, 234.90, 234.905, 234.907, and 234.91.

23 **SECTION 3720.** 601.04 (4) of the statutes is amended to read:

SENATE BILL 55**SECTION 3720**

1 601.04 (4) FEES. Every insurer or plan obtaining or renewing its certificate
2 shall pay the fee required by s. 601.31 (1) (b) or (c) or a rule promulgated under s.
3 601.31 (4) with respect to s. 601.31 (1) (b) or (c).

4 **SECTION 3721.** 601.31 (1) (intro.) of the statutes is amended to read:

5 601.31 (1) (intro.) The following fees, unless revised by the commissioner as
6 provided in s. 601.32, or unless the commissioner specifies a different amount by
7 rule, shall be paid to the commissioner:

8 **SECTION 3722.** 601.31 (1) (L) (intro.) of the statutes is renumbered 601.31 (1)
9 (L) and amended to read:

10 601.31 (1) (L) For issuing or enlarging the scope of a corporation, limited
11 liability company, or partnership intermediary's license or a license to place business
12 under s. 618.41, amounts to be set by the commissioner by rule ~~but not to exceed:~~

13 **SECTION 3723.** 601.31 (1) (L) 2. of the statutes is repealed.

14 **SECTION 3724.** 601.31 (1) (L) 3. of the statutes is repealed.

15 **SECTION 3725.** 601.31 (1) (mc) of the statutes is amended to read:

16 601.31 (1) (mc) For regulating a holder of a license to place business under s.
17 618.41, annually after the year in which the initial license is issued, an amount to
18 be set by the commissioner by rule and paid at times and under procedures set by the
19 commissioner, ~~but not to exceed \$100.~~

20 **SECTION 3726.** 601.31 (1) (n) of the statutes is amended to read:

21 601.31 (1) (n) For listing, or renewing a listing of, an agent under s. 628.11, a
22 fee to be set by the commissioner by rule ~~but not to exceed \$8 annually for resident~~
23 ~~agents or \$24 annually for nonresident agents.~~

24 **SECTION 3727.** 601.31 (1) (x) 1. of the statutes is amended to read:

SENATE BILL 55**SECTION 3727**

1 601.31 (1) (x) 1. For issuing approval to an organization to offer prelicensing
2 or continuing education courses or programs for intermediaries under s. 628.04 (3),
3 a fee to be set by the commissioner by rule, ~~but not to exceed \$500.~~

4 **SECTION 3728.** 601.31 (1) (x) 2. of the statutes is amended to read:

5 601.31 (1) (x) 2. ~~By organizations approved under subd. 1., for~~ For renewing
6 the approval of ~~such organizations~~ an organization approved under subd. 1.,
7 annually after the year in which the approval under subd. 1. is issued, an amount
8 to be set and paid at times and under procedure set by the commissioner by rule, ~~but~~
9 ~~not to exceed \$100.~~

10 **SECTION 3729.** 601.31 (1) (x) 3. of the statutes is amended to read:

11 601.31 (1) (x) 3. ~~By organizations approved under subd. 1., for~~ For submitting
12 by an organization approved under subd. 1., for initial approval or approval of any
13 subsequent modification, each course for prelicensing or continuing education, a fee
14 to be set by the commissioner by rule, ~~but not to exceed \$25 per credit hour.~~

15 **SECTION 3730.** 601.31 (2) of the statutes is amended to read:

16 601.31 (2) Town mutuals and insurers operating under subch. I of ch. 616 are
17 exempt from all provisions of this section ~~except sub. subs. (1) (b), (c), and (q) and (4)~~
18 with respect to fees under sub. (1) (b), (c), and (q).

19 **SECTION 3731.** 601.31 (4) of the statutes is created to read:

20 601.31 (4) Except as provided in sub. (1) (L), (m), (mc), (n), (o), and (x) 1., 2., and
21 3., and subject to sub. (3), the commissioner may by rule specify a fee amount that
22 is different from an amount specified under sub. (1). Subject to sub. (3), a rule
23 promulgated for a fee required under sub. (1) may provide for a maximum fee
24 amount, and the commissioner may charge a lesser amount than the maximum fee
25 amount specified in the rule.

SENATE BILL 55**SECTION 3732**

1 **SECTION 3732.** 601.32 (1) of the statutes is amended to read:

2 601.32 (1) If Notwithstanding that a rule promulgated under s. 601.31 (4) may
3 provide for a maximum fee amount, if the moneys credited to s. 20.145 (1) (g) under
4 other sections of the statutes prove inadequate for the office's supervision of
5 insurance industry program, the commissioner may increase any or all of the fees
6 imposed fee amounts specified by s. 601.31 or a rule under s. 601.31, or may in any
7 year levy a special assessment on all domestic insurers, or both, for the general
8 operation of that program.

9 **SECTION 3733.** 601.33 of the statutes is amended to read:

10 **601.33 Exemption from taxation.** Municipal insurance mutuals organized
11 under s. 611.11 (4) are not subject to any taxes or fees except those imposed by under
12 ss. 601.31 and 601.32.

13 **SECTION 3734.** 601.415 (13) of the statutes is created to read:

14 601.415 (13) SUBSTANTIALLY SIMILAR HEALTH CARE BENEFITS COVERAGE RULES. The
15 commissioner shall promulgate the rules required under s. 111.70 (4) (cm) 8s. b. and
16 (o), setting out a standardized summary of benefits provided under health care
17 coverage policies and plans for use in determining benefit similarities and
18 differences among policies and plans.

19 **SECTION 3735.** 601.47 (2) of the statutes is amended to read:

20 601.47 (2) ANNUAL REPORT. The commissioner shall determine the form for ~~and~~
21 ~~have printed~~ the report required in s. 601.46 (3), ~~in number sufficient~~ and shall have
22 the report published in sufficient quantity to meet all requests for copies. The
23 commissioner shall distribute copies upon request to any person who pays the
24 reasonable price thereof determined for the report under sub. (1).

25 **SECTION 3736.** 601.51 (1) of the statutes is amended to read:

SENATE BILL 55**SECTION 3736**

1 601.51 (1) CERTIFIED COPIES. On request of any insurer authorized to do a surety
2 business and its payment of the fee under s. 601.31 (1), the commissioner shall mail
3 a certified copy of its certificate of authority to any designated public officer in this
4 state who requires such a certificate before accepting a bond. That public officer shall
5 file it. Whenever a certified copy has been furnished to a public officer it is
6 unnecessary, while the certificate remains effective, to attach a copy of it to any
7 instrument of suretyship filed.

8 **SECTION 3737.** 601.72 (4) of the statutes is amended to read:

9 601.72 (4) FEES. Litigants serving process on the commissioner under this
10 section shall pay the fees specified in s. 601.31 (1) (p) or a rule promulgated under
11 s. 601.31 (4) with respect to s. 601.31 (1) (p).

12 **SECTION 3738.** 601.93 (2) of the statutes is amended to read:

13 601.93 (2) Every insurer doing a fire insurance business in this state shall,
14 before March 1 ~~in~~ of each year, file with the commissioner a statement, showing the
15 amount of premiums upon fire insurance due for the preceding calendar year.
16 Return premiums may be deducted in determining the premium on which the fire
17 department dues are computed. Payments of quarterly ~~instalments~~ installments of
18 the total estimated payment for the then current calendar year under this subsection
19 are due on or before April 15, June 15, September 15, and December 15. On March
20 1, the insurer shall pay any additional amounts due for the preceding calendar year.
21 Overpayments will be credited on the amount due April 15. The commissioner shall,
22 ~~prior to~~ before May 1 of each year, report to the department of commerce the amount
23 of dues paid under this subsection and to be paid under s. ~~101.573 (1)~~ 604.04 (3) (b).

24 **SECTION 3739.** 604.04 (3) of the statutes is renumbered 604.04 (3) (a).

25 **SECTION 3740.** 604.04 (3) (b) of the statutes is created to read:

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1 604.04 (3) (b) Before May 1 of each year, the local government property
2 insurance fund shall be charged fire department dues equal to 2% of the amount of
3 all premiums that, during the preceding calendar year, have been paid into the state
4 treasury for the benefit of the local government property insurance fund.

5 **SECTION 3741.** 607.21 (intro.) of the statutes is amended to read:

6 **607.21 Payments from life fund.** (intro.) In addition to the payments under
7 s. 604.04 (3) (a), and the payments which become due under its policies, the life fund
8 shall pay:

9 **SECTION 3742.** 611.67 (1) (intro.) and (c) of the statutes are consolidated,
10 renumbered 611.67 (1) and amended to read:

11 611.67 (1) In this section: ~~(e) “Management,~~ “management authority” means
12 the authority to exercise any management control of the corporation or of its
13 underwriting, loss adjustment, investment, general servicing, or production
14 function or other major corporate function.

15 **SECTION 3743.** 611.67 (1) (a) of the statutes is repealed.

16 **SECTION 3744.** 611.67 (1) (b) of the statutes is repealed.

17 **SECTION 3745.** 611.67 (1) (d) of the statutes is repealed.

18 **SECTION 3746.** 611.67 (2) of the statutes is amended to read:

19 611.67 (2) ~~Except as provided in sub. (3), a~~ A corporation may not be a party
20 to a contract ~~which~~ that has the effect of delegating management authority to a
21 person to the substantial exclusion of the board.

22 **SECTION 3747.** 611.67 (3) of the statutes is repealed.

23 **SECTION 3748.** 611.67 (4) of the statutes is repealed.

24 **SECTION 3749.** 614.80 of the statutes is amended to read:

SENATE BILL 55**SECTION 3749**

1 **614.80 Tax exemption.** Every domestic and nondomestic fraternal, except
2 those that offer a health maintenance organization as defined in s. 609.01 (2) or a
3 limited service health organization as defined in s. 609.01 (3) is exempt from all state,
4 county, district, municipal and school taxes or fees, except the fees required by s.
5 601.31 (2), but is required to pay all taxes and special assessments on its real estate
6 and office equipment, except as provided in ss. 70.11 (4) and 70.1105 (1).

7 **SECTION 3750.** 616.20 (5) of the statutes is amended to read:

8 616.20 (5) FEES. A new corporation formed under this section is not subject to
9 the fees under s. 601.31 (1) ~~or (2)~~.

10 **SECTION 3751.** 616.74 (2) of the statutes is amended to read:

11 616.74 (2) No certificate of authority shall be issued by the commissioner until
12 the company has paid to the commissioner the fee required by s. 601.31 (1) (b) or a
13 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b).

14 **SECTION 3752.** 618.22 (1) of the statutes is amended to read:

15 618.22 (1) FILING OF CONTRACT. No nondomestic insurer may be a party to any
16 exclusive agency contract or management contract as ~~defined~~ described in ss. 611.66
17 and 611.67, respectively, unless the contract is filed with the commissioner and not
18 disapproved under this section within 30 days after filing, or such reasonable
19 extended period as the commissioner may specify by notice given within the 30 days.

20 **SECTION 3753.** 618.22 (2) (intro.) of the statutes is amended to read:

21 618.22 (2) DISAPPROVAL. (intro.) The commissioner shall disapprove a contract
22 under specified in sub. (1) ~~or s. 611.67~~ if he or she finds that:

23 **SECTION 3754.** 618.41 (7) (b) of the statutes is amended to read:

24 618.41 (7) (b) The fee for issuance of a surplus lines license is the fee required
25 by under s. 601.31 (1) (L) 3.

SENATE BILL 55**SECTION 3755**

1 **SECTION 3755.** 626.09 (4) of the statutes is amended to read:

2 626.09 (4) FEES. ~~Section~~ Sections 601.31 (1) (c) 2. applies and (4) and 601.32
3 apply to the bureau.

4 **SECTION 3756.** 632.68 (2) (b) (intro.) of the statutes is amended to read:

5 632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical
6 settlement provider license on a form prescribed by the commissioner for that
7 purpose. The application form shall require the applicant to provide the applicant's
8 social security number, if the applicant is a natural person unless the applicant does
9 not have a social security number, or the applicant's federal employer identification
10 number, if the applicant is not a natural person. The fee specified in s. 601.31 (1)
11 (mm) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mm) shall
12 accompany the application. After any investigation of the applicant that the
13 commissioner determines is sufficient, the commissioner shall issue a viatical
14 settlement provider license to an applicant that satisfies all of the following:

15 **SECTION 3757.** 632.68 (2) (e) of the statutes is amended to read:

16 632.68 (2) (e) Except as provided in sub. (3), a license issued under this
17 subsection shall be renewed annually on the anniversary date upon payment of the
18 fee specified in s. 601.31 (1) (mp) or a rule promulgated under s. 601.31 (4) with
19 respect to s. 601.31 (1) (mp) and upon providing the licensee's social security number,
20 unless the licensee does not have a social security number, or federal employer
21 identification number, as applicable, if not previously provided on the application for
22 the license or at a previous renewal of the license. If the licensee is a natural person
23 who does not have a social security number, the license shall be renewed annually
24 on the anniversary date upon payment of the fee specified in s. 601.31 (1) (mp) or a
25 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mp) and upon

SENATE BILL 55**SECTION 3757**

1 providing to the commissioner a statement made or subscribed under oath or
2 affirmation, on a form prescribed by the department of workforce development, that
3 the licensee does not have a social security number.

4 **SECTION 3758.** 632.68 (4) (b) of the statutes is amended to read:

5 632.68 (4) (b) A person may apply to the commissioner for a viatical settlement
6 broker license on a form prescribed by the commissioner for that purpose. The
7 application form shall require the applicant to provide the applicant's social security
8 number, if the applicant is a natural person unless the applicant does not have a
9 social security number, or the applicant's federal employer identification number, if
10 the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) or a rule
11 promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mr) shall accompany
12 the application. The commissioner may not issue a license under this subsection
13 unless the applicant provides his or her social security number, unless the applicant
14 does not have a social security number, or its federal employer identification number,
15 whichever is applicable. If the applicant is a natural person who does not have a
16 social security number, the commissioner may not issue a license under this
17 subsection unless the applicant provides, on a form prescribed by the department of
18 workforce development, a statement made or subscribed under oath or affirmation
19 that the applicant does not have a social security number.

20 **SECTION 3759.** 632.68 (4) (c) of the statutes is amended to read:

21 632.68 (4) (c) Except as provided in sub. (5), a license issued under this
22 subsection shall be renewed annually on the anniversary date upon payment of the
23 fee specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with
24 respect to s. 601.31 (1) (ms) and upon providing the licensee's social security number,
25 unless the licensee does not have a social security number, or federal employer

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1 identification number, as applicable, if not previously provided on the application for
2 the license or at a previous renewal of the license. If the licensee is a natural person
3 who does not have a social security number, the license shall be renewed annually,
4 except as provided in sub. (5), on the anniversary date upon payment of the fee
5 specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with respect
6 to s. 601.31 (1) (ms) and upon providing to the commissioner a statement made or
7 subscribed under oath or affirmation, on a form prescribed by the department of
8 workforce development, that the licensee does not have a social security number.

9 **SECTION 3760.** 632.835 (4) (b) of the statutes is amended to read:

10 632.835 (4) (b) An organization applying for certification or recertification as
11 an independent review organization shall pay the applicable fee under s. 601.31 (1)
12 (Lp) or (Lr) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (Lp)
13 or (Lr). Every organization certified or recertified as an independent review
14 organization shall file a report with the commissioner in accordance with rules
15 promulgated under sub. (5) (a) 4.

16 **SECTION 3761.** 632.89 (1) (e) 1. of the statutes is amended to read:

17 632.89 (1) (e) 1. A program in an outpatient treatment facility, if both are
18 approved by the department of health and family services, the program is
19 established and maintained according to rules promulgated under s. 51.42 (7) (b) and
20 the facility is approved and certified under s. 51.04.

21 **SECTION 3762.** 632.895 (12) (b) 2. of the statutes is renumbered 632.895 (12)

22 (b) 2. (intro.) and amended to read:

23 632.895 (12) (b) 2. (intro.) The individual has a chronic disability that meets
24 all of the following conditions ~~under s. 230.04 (9r) (a) 2. a., b. and c.;~~

25 **SECTION 3763.** 632.895 (12) (b) 2. a. to c. of the statutes are created to read:

SENATE BILL 55**SECTION 3763**

1 632.895 (12) (b) 2. a. The chronic disability is attributable to a mental or
2 physical impairment or combination of mental and physical impairments.

3 b. The chronic disability is likely to continue indefinitely.

4 c. The chronic disability results in substantial functional limitations in one or
5 more of the following areas of major life activity: self-care; receptive and expressive
6 language; learning; mobility; capacity for independent living; and economic
7 self-sufficiency.

8 **SECTION 3764.** 633.14 (1) (a) of the statutes is amended to read:

9 633.14 (1) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under
10 s. 601.31 (4) with respect to s. 601.31 (1) (w).

11 **SECTION 3765.** 633.14 (2) (a) of the statutes is amended to read:

12 633.14 (2) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under
13 s. 601.31 (4) with respect to s. 601.31 (1) (w).

14 **SECTION 3766.** 633.15 (1) (a) of the statutes is amended to read:

15 633.15 (1) (a) *Payment.* An administrator shall pay the annual renewal fee
16 under s. 601.31 (1) (w) or a rule promulgated under s. 601.31 (4) with respect to s.
17 601.31 (1) (w) for each annual renewal of a license by the date specified by a schedule
18 established under par. (b).

19 **SECTION 3767.** 647.04 (1) of the statutes is amended to read:

20 647.04 (1) Submit to the commissioner the fees required under s. 601.31 (1).

21 **SECTION 3768.** 704.05 (5) (a) 2. of the statutes is amended to read:

22 704.05 (5) (a) 2. Give the tenant notice, personally or by ordinary mail
23 addressed to the tenant's last-known address, of the landlord's intent to dispose of
24 the ~~personalty~~ personal property by sale or other appropriate means if the property
25 is not repossessed by the tenant. If the tenant fails to repossess the property within

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1 30 days after the date of personal service or the date of the mailing of the notice, the
2 landlord may dispose of the property by private or public sale or any other
3 appropriate means. The landlord may deduct from the proceeds of sale any costs of
4 sale and any storage charges if the landlord has first stored the personalty under
5 subd. 1. If the proceeds minus the costs of sale and minus any storage charges are
6 not claimed within 60 days after the date of the sale of the personalty, the landlord
7 is not accountable to the tenant for any of the proceeds of the sale or the value of the
8 property. The landlord shall send the proceeds of the sale minus the costs of the sale
9 and minus any storage charges to the department of administration for deposit in the
10 appropriation under s. 20.505 (7) (~~gm~~) (h).

11 **SECTION 3769.** 704.31 (3) of the statutes is amended to read:

12 704.31 (3) This section does not apply to a lease to which a local professional
13 baseball park district created under subch. III of ch. 229 or the Fox River
14 Navigational System Authority is a party.

15 **SECTION 3770.** 704.90 (10) (c) of the statutes is amended to read:

16 704.90 (10) (c) Forfeitures under par. (a) shall be enforced by action on behalf
17 of the state by the department of justice agriculture, trade and consumer protection
18 or by the district attorney of the county where the violation occurs.

19 **SECTION 3771.** 710.02 (4) (a) of the statutes is renumbered 710.02 (4).

20 **SECTION 3772.** 710.02 (4) (b) of the statutes is repealed.

21 **SECTION 3773.** 710.02 (7) of the statutes is amended to read:

22 710.02 (7) PENALTY FOR FAILURE TO REPORT. Any person violating sub. (4) (~~a~~)
23 shall forfeit not less than \$500 nor more than \$5,000.

24 **SECTION 3774.** 757.05 (1) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 3774**

1 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
2 state law or for a violation of a municipal or county ordinance except for a violation
3 of s. 101.123 (2) (a), (am) 1., (ar)~~1~~, or (bm) or (5) or state laws or municipal or county
4 ordinances involving nonmoving traffic violations or safety belt use violations under
5 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount
6 of ~~23%~~ 13% of the fine or forfeiture imposed. If multiple offenses are involved, the
7 penalty assessment shall be based upon the total fine or forfeiture for all offenses.
8 When a fine or forfeiture is suspended in whole or in part, the penalty assessment
9 shall be reduced in proportion to the suspension.

10 **SECTION 3775.** 757.05 (1) (b) of the statutes is amended to read:

11 757.05 (1) (b) If a fine or forfeiture is imposed by a court of record, after a
12 determination by the court of the amount due, the clerk of the court shall collect and
13 transmit ~~such~~ the amount to the county treasurer as provided in s. 59.40 (2) (m). The
14 county treasurer shall then make payment to the state treasurer as provided in s.
15 59.25 (3) (f) 2.

16 **SECTION 3776.** 757.05 (1) (c) of the statutes is amended to read:

17 757.05 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a
18 determination by the court of the amount due, the court shall collect and transmit
19 ~~such~~ the amount to the treasurer of the county, city, town~~1~~, or village, and that
20 treasurer shall make payment to the state treasurer as provided in s. 66.0114 (1) (~~b~~)
21 (bm).

22 **SECTION 3777.** 757.05 (1) (d) of the statutes is amended to read:

23 757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which
24 this ~~section~~ subsection applies, the person making the deposit shall also deposit a
25 sufficient amount to include the assessment prescribed in this ~~section~~ subsection for

SENATE BILL 55**SECTION 3777**

1 forfeited bail. If bail is forfeited, the amount of the assessment shall be transmitted
2 monthly to the state treasurer under this ~~section~~ subsection. If bail is returned, the
3 assessment shall also be returned.

4 **SECTION 3778.** 757.05 (2) (title) of the statutes is repealed.

5 **SECTION 3779.** 757.05 (2) (a) of the statutes is renumbered 165.87 (2) and
6 amended to read:

7 165.87 (2) ~~LAW ENFORCEMENT TRAINING FUND~~ USE OF ASSESSMENT MONEYS.
8 ~~Twenty-seven fifty-fifths of all~~ All moneys collected from ~~penalty law enforcement~~
9 training fund assessments under sub. (1) shall be credited to the appropriation
10 account under s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and
11 165.85 (5). The moneys credited to the appropriation account under s. 20.455 (2) (i),
12 except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement
13 training fund.

14 **SECTION 3780.** 757.05 (2) (b) of the statutes is renumbered 757.05 (2) and
15 amended to read:

16 757.05 (2) ~~OTHER PURPOSES~~ USE OF PENALTY ASSESSMENT MONEYS. The moneys
17 collected from penalty assessments under sub. (1) ~~that remain after crediting the~~
18 ~~appropriation account specified in par. (a)~~ shall be credited to the appropriation
19 account under s. 20.505 (6) (j) and transferred as provided under s. 20.505 (6) (j).

20 **SECTION 3781.** 758.19 (7) of the statutes is amended to read:

21 758.19 (7) The director of state courts shall adopt, revise biennially and submit
22 to the cochairpersons of the joint committee on information policy and technology, the
23 governor and the ~~secretary of administration~~ department of electronic government,
24 no later than September 15 of each even-numbered year, a strategic plan for the
25 utilization of information technology to carry out the functions of the courts and

SENATE BILL 55**SECTION 3781**

1 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the
2 business needs of the courts and judicial branch agencies and shall identify all
3 resources relating to information technology which the courts and judicial branch
4 agencies desire to acquire, contingent upon funding availability, the priority for such
5 acquisitions and the justification for such acquisitions. The plan shall also identify
6 any changes in the functioning of the courts and judicial branch agencies under the
7 plan.

8 **SECTION 3782.** 765.12 (1) of the statutes is renumbered 765.12 (1) (a) and
9 amended to read:

10 765.12 (1) (a) If ss. 765.02, 765.05, 765.08, and 765.09 are complied with, and
11 if there is no prohibition against or legal objection to the marriage, the county clerk
12 shall issue a marriage license. With each marriage license the county clerk shall
13 provide a pamphlet describing the causes and effects of fetal alcohol syndrome. ~~After~~
14 ~~the application for the marriage license the clerk shall, upon the sworn statement~~
15 ~~of either of the applicants, correct any erroneous, false or insufficient statement in~~
16 ~~the marriage license or in the application therefor which shall come to the clerk's~~
17 ~~attention prior to the marriage and shall show the corrected statement as soon as~~
18 ~~reasonably possible to the other applicant.~~

19 **SECTION 3783.** 765.12 (1) (b) of the statutes is created to read:

20 765.12 (1) (b) If, after completion of the marriage license application, one of the
21 applicants notifies the clerk in writing that any of the information provided by that
22 applicant for the license is erroneous, the clerk shall notify the other applicant of the
23 correction as soon as reasonably possible. If the marriage license has not been
24 issued, the clerk shall prepare a new license with the correct information entered.

SENATE BILL 55**SECTION 3783**

1 If the marriage license has been issued, the clerk shall immediately send a letter of
2 correction to the state registrar to amend the erroneous information.

3 **SECTION 3784.** 765.12 (1) (c) of the statutes is created to read:

4 765.12 (1) (c) If, after completion of the marriage license application, the clerk
5 discovers that correct information has been entered erroneously, the clerk shall, if
6 the marriage license has not been issued, prepare a new license with the correct
7 information correctly entered. If the marriage license has been issued, the clerk shall
8 immediately send a letter of correction to the state registrar to amend the erroneous
9 information.

10 **SECTION 3785.** 765.13 of the statutes is amended to read:

11 **765.13 Form of marriage document.** The marriage document shall contain
12 ~~the social security number of each party, as well as any other informational items~~
13 ~~that the department of health and family services determines are necessary and~~
14 ~~shall agree in the main with the standard form recommended by the federal agency~~
15 ~~responsible for national vital statistics. It consist of the marriage license and the~~
16 marriage license worksheet. The marriage license shall contain a notification of the
17 time limits of the authorization to marry, a notation that the issue of the marriage
18 license shall not be deemed to remove or dispense with any legal disability,
19 impediment or prohibition rendering marriage between the parties illegal, and the
20 signature of the county clerk, who shall acquire the information for the marriage
21 document and enter it in its proper place when the marriage license is issued. The
22 marriage license worksheet shall contain the social security number of each party,
23 as well as any other information items that the department of health and family
24 services determines are necessary and shall agree in the main with the standard
25 form recommended by the federal agency responsible for national vital statistics.

SENATE BILL 55**SECTION 3785**

1 The county clerk shall transmit the marriage license worksheet to the state registrar
2 within 5 days after the date of issuance of the marriage license.

3 **SECTION 3786.** 767.078 (1) (a) 2. of the statutes is amended to read:

4 767.078 (1) (a) 2. The child's right to support is assigned to the state under s.
5 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b.

6 **SECTION 3787.** 767.265 (1) of the statutes is amended to read:

7 767.265 (1) Each order for child support under this chapter, for maintenance
8 payments under s. 767.23 or 767.26, for family support under this chapter, for costs
9 ordered under s. 767.51 (3) or 767.62 (4), for support by a spouse under s. 767.02 (1)
10 (f), or for maintenance payments under s. 767.02 (1) (g) or for, each order for or
11 obligation to pay the annual receiving and disbursing fee under s. 767.29 (1) (d), each
12 order for a revision in a judgment or order with respect to child support,
13 maintenance, or family support payments under s. 767.32, each stipulation
14 approved by the court or the family court commissioner for child support under this
15 chapter, and each order for child or spousal support entered under s. 948.22 (7)
16 constitutes an assignment of all commissions, earnings, salaries, wages, pension
17 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments,
18 and other money due or to be due in the future to the department or its designee. The
19 assignment shall be for an amount sufficient to ensure payment under the order,
20 obligation, or stipulation and to pay any arrearages due at a periodic rate not to
21 exceed 50% of the amount of support due under the order, obligation, or stipulation
22 so long as the addition of the amount toward arrearages does not leave the party at
23 an income below the poverty line established under 42 USC 9902 (2).

24 **SECTION 3788.** 767.265 (1m) of the statutes is amended to read:

SENATE BILL 55**SECTION 3788**

1 767.265 (1m) If a party's current obligation to pay maintenance, child support,
2 spousal support, or family support or the annual receiving and disbursing fee
3 terminates but the party has an arrearage in the payment of one or more of those
4 payments, the or in the payment of the annual receiving and disbursing fee, any
5 assignment under sub. (1) shall continue in effect, in an amount up to the amount
6 of the assignment before the party's current obligation terminated, until the
7 arrearage is paid in full.

8 **SECTION 3789.** 767.29 (1) (d) of the statutes is amended to read:

9 767.29 (1) (d) For receiving and disbursing maintenance, child support, or
10 family support payments, including arrears in any of those payments, and for
11 maintaining the records required under par. (c), the department or its designee shall
12 collect an annual fee of ~~\$25~~ \$35. The court or family court commissioner shall order
13 each party ordered to make payments to pay the annual fee under this paragraph in
14 each year for which payments are ordered or in which an arrearage in any of those
15 payments is owed. In directing the manner of payment of the annual fee, the court
16 or family court commissioner shall order that the annual fee be withheld from income
17 and sent to the department or its designee, as provided under s. 767.265. All fees
18 collected under this paragraph shall be deposited in the appropriation account under
19 s. 20.445 (3) (ja). At the time of ordering the payment of an annual fee under this
20 paragraph, the court or family court commissioner shall notify each party ordered
21 to make payments of the requirement to pay the annual fee and of the amount of the
22 annual fee. If the annual fee under this paragraph is not paid when due, the
23 department or its designee may not deduct the annual fee from ~~the~~ any maintenance
24 or, child or family support, or arrearage payment, but may move the court for a
25 remedial sanction under ch. 785.

SENATE BILL 55**SECTION 3790**

1 **SECTION 3790.** 767.29 (1) (dm) 1m. of the statutes is amended to read:

2 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees
3 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
4 payment and collection system on December 31, 1998, and shall deposit all fees
5 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).
6 The department or its designee may collect unpaid fees under this subdivision
7 through income withholding under s. 767.265 (2m). If the department or its designee
8 determines that income withholding is inapplicable, ineffective, or insufficient for
9 the collection of any unpaid fees under this subdivision, the department or its
10 designee may move the court for a remedial sanction under ch. 785. The department
11 or its designee may contract with or employ a collection agency or other person for
12 the collection of any unpaid fees under this subdivision and, notwithstanding s.
13 20.930, may contract with or employ an attorney to appear in any action in state or
14 federal court to enforce the payment obligation. The department or its designee may
15 not deduct the amount of unpaid fees from any maintenance or child or family
16 support, or arrearage payment.

17 **SECTION 3791.** 767.29 (1m) (c) of the statutes is amended to read:

18 767.29 (1m) (c) The party entitled to the support or maintenance money or a
19 minor child of the party has applied for or is receiving ~~aid to families with dependent~~
20 ~~children~~ aid under s. 46.261 or public assistance under ch. 49 and there is an
21 assignment to the state under s. 46.261 or 49.19 (4) (h) 1. b. of the party's right to the
22 support or maintenance money.

23 **SECTION 3792.** 767.29 (2) of the statutes is amended to read:

24 767.29 (2) If any party entitled to maintenance payments or support money,
25 or both, is receiving public assistance under ch. 49, the party may assign the party's

SENATE BILL 55**SECTION 3792**

1 right thereto to the county department under s. 46.215, 46.22, or 46.23 granting such
2 assistance. Such assignment shall be approved by order of the court granting the
3 maintenance payments or support money, and may be terminated in like manner;
4 except that it shall not be terminated in cases where there is any delinquency in the
5 amount of maintenance payments and support money previously ordered or
6 adjudged to be paid to the assignee without the written consent of the assignee or
7 upon notice to the assignee and hearing. When an assignment of maintenance
8 payments or support money, or both, has been approved by the order, the assignee
9 shall be deemed a real party in interest within s. 803.01 but solely for the purpose
10 of securing payment of unpaid maintenance payments or support money adjudged
11 or ordered to be paid, by participating in proceedings to secure the payment thereof.
12 Notwithstanding assignment under this subsection, and without further order of the
13 court, the department or its designee, upon receiving notice that a party or a minor
14 child of the parties is receiving aid under s. 46.261 or public assistance under ch. 49
15 or that a kinship care relative or long-term kinship care relative of the minor child
16 is receiving kinship care payments or long-term kinship care payments for the minor
17 child, shall forward all support assigned under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b)
18 2., 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 46.261, 48.57 (3m) (b) 2. or
19 (3n) (b) 2., 49.19 (4) (h) 1., or 49.45 (19).

20 **SECTION 3793.** 767.29 (4) of the statutes is amended to read:

21 767.29 (4) If an order or judgment providing for the support of one or more
22 children not receiving aid under s. 46.261, 48.57 (3m) or (3n), or 49.19 includes
23 support for a minor who is the beneficiary of aid under s. 46.261, 48.57 (3m) or (3n),
24 or 49.19, any support payment made under the order or judgment is assigned to the
25 state under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b. in the amount

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1 that is the proportionate share of the minor receiving aid under s. 46.261, 48.57 (3m)
2 or (3n), or 49.19, except as otherwise ordered by the court on the motion of a party.

3 **SECTION 3794.** 767.62 (5) (b) of the statutes is amended to read:

4 767.62 (5) (b) If a court in a proceeding under par. (a) determines that the man
5 is not the father of the child, the court shall vacate any order entered under sub. (4)
6 with respect to the man. The court or the county child support agency under s. 59.53
7 (5) shall notify the state registrar, in the manner provided in s. 69.15 (1) (b), to remove
8 the man's name as the father of the child from the child's birth certificate. No
9 paternity action may thereafter be brought against the man with respect to the child.

10 **SECTION 3795.** 778.02 of the statutes is amended to read:

11 **778.02 Action in name of state; complaint; attachment.** Every such
12 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
13 allege in the complaint that the defendant is indebted to the plaintiff in the amount
14 of the forfeiture claimed, according to the provisions of the statute that imposes it,
15 specifying the statute and for the penalty assessment imposed by s. 757.05, the law
16 enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment
17 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
18 assessment imposed by s. 165.755, the enforcement assessment imposed under s.
19 253.06 (4) (c) or (5) (c), any applicable consumer ~~information~~ protection assessment
20 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
21 973.055 (1). If the statute imposes a forfeiture for several offenses or delinquencies
22 the complaint shall specify the particular offense or delinquency for which the action
23 is brought, with a demand for judgment for the amount of the forfeiture, penalty
24 assessment, law enforcement training fund assessment, jail assessment, crime
25 laboratories and drug law enforcement assessment, any applicable enforcement

SENATE BILL 55**SECTION 3795**

1 assessment, any applicable consumer ~~information~~ protection assessment, and any
2 applicable domestic abuse assessment. If the defendant is a nonresident of the state,
3 an attachment may issue.

4 **SECTION 3796.** 778.03 of the statutes is amended to read:

5 **778.03 Complaint to recover forfeited goods.** In an action to recover
6 property forfeited by any statute it shall be sufficient to allege in the complaint that
7 the property has been forfeited, specifying the statute, with a demand of judgment
8 for the delivery of the property, or the value thereof and for payment of the penalty
9 assessment imposed by s. 757.05, the law enforcement training fund assessment
10 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
11 laboratories and drug law enforcement assessment imposed by s. 165.755, the
12 enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable
13 consumer ~~information~~ protection assessment imposed by s. 100.261, and any
14 applicable domestic abuse assessment imposed by s. 973.055 (1).

15 **SECTION 3797.** 778.06 of the statutes is amended to read:

16 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
17 specific sum or when it is not less than one sum or more than another, the action may
18 be brought for the highest sum specified and for the penalty assessment imposed by
19 s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the
20 jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
21 enforcement assessment imposed by s. 165.755, the enforcement assessment
22 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer ~~information~~
23 protection assessment imposed by s. 100.261, and any applicable domestic abuse
24 assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum
25 as the court or jury shall assess or determine to be proportionate to the offense.

SENATE BILL 55**SECTION 3798**

1 **SECTION 3798.** 778.10 of the statutes is amended to read:

2 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
3 any ordinance or regulation of any county, town, city, or village, or of any other
4 domestic corporation may be sued for and recovered, under this chapter, in the name
5 of the county, town, city, village, or corporation. It is sufficient to allege in the
6 complaint that the defendant is indebted to the plaintiff in the amount of the
7 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
8 penalty assessment imposed by s. 757.05, the law enforcement training fund
9 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
10 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
11 applicable consumer information protection assessment imposed by s. 100.261, and
12 any applicable domestic abuse assessment imposed by s. 973.055 (1). If the
13 ordinance or regulation imposes a penalty or forfeiture for several offenses or
14 delinquencies the complaint shall specify the particular offenses or delinquency for
15 which the action is brought, with a demand for judgment for the amount of the
16 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
17 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by
18 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
19 by s. 165.755, any applicable consumer information protection assessment imposed
20 by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055
21 (1). All moneys collected on the judgment shall be paid to the treasurer of the county,
22 town, city, village, or corporation, except that all jail assessments shall be paid to the
23 county treasurer.

24 **SECTION 3799.** 778.105 of the statutes is amended to read:

SENATE BILL 55**SECTION 3799**

1 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
2 any court or any branch thereof for the violation of any municipal or county
3 ordinance shall be paid to the municipality or county. Penalty assessment payments
4 shall be made as provided in s. 757.05. Law enforcement training fund assessment
5 payments shall be made as provided in s. 165.87 (1). Jail assessment payments shall
6 be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
7 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
8 assessments shall be made as provided in s. 973.055. Consumer information
9 protection assessment payments shall be made as provided in s. 100.261.

10 **SECTION 3800.** 778.13 of the statutes is amended to read:

11 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
12 of the state for forfeiture, except the portion to be paid to any person who sues with
13 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
14 county within which the forfeiture was incurred within 20 days after its receipt. In
15 case of any failure in the payment the county treasurer may collect the payment of
16 the officer by action, in the name of the office and upon the official bond of the officer,
17 with interest at the rate of 12% per year from the time when it should have been paid.
18 Penalty assessment payments shall be made as provided in s. 757.05. Law
19 enforcement training fund assessment payments shall be made as provided in s.
20 165.87 (1). Jail assessment payments shall be made as provided in s. 302.46 (1).
21 Crime laboratories and drug law enforcement assessment payments shall be paid as
22 provided in s. 165.755. Domestic abuse assessments shall be made as provided in s.
23 973.055. Enforcement assessments shall be made as provided in s. 253.06 (4) (c).
24 Consumer information protection assessment payments shall be made as provided
25 in s. 100.261.

SENATE BILL 55**SECTION 3801**

1 **SECTION 3801.** 778.18 of the statutes is amended to read:

2 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her
3 own will, dismisses any action brought before the judge under this chapter, unless
4 by order of the district attorney or attorney general or the person joined as plaintiff
5 with the state, or renders a less judgment therein than is prescribed by law, or
6 releases or discharges any such judgment or part thereof without payment or
7 collection, the judge and the judge's sureties shall be liable, in an action upon the
8 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture
9 imposed by the judge and for the penalty assessment imposed by s. 757.05, the law
10 enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment
11 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
12 assessment imposed by s. 165.755, any applicable consumer information protection
13 assessment imposed by s. 100.261, and any applicable domestic abuse assessment
14 imposed by s. 973.055 (1), or for an amount equal to the amount in which any such
15 judgment or any part thereof is released or discharged. If any municipal judge gives
16 time or delay to any person against whom any such judgment is rendered by the
17 judge, or takes any bond or security for its future payment, the judge and the judge's
18 sureties shall also be liable for the payment of the judgment upon the judge's bond.

19 **SECTION 3802.** 778.25 (2) (g) of the statutes is amended to read:

20 778.25 (2) (g) Notice that, if the defendant makes a deposit and fails to appear
21 in court at the time fixed in the citation, the failure to appear will be considered
22 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
23 enforcement training fund assessment, jail assessment, and crime laboratories and
24 drug law enforcement assessment plus costs, including any applicable fees
25 prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also

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1 state that the court may decide to summon the defendant or, if the defendant is an
2 adult, issue an arrest warrant for the defendant rather than accept the deposit and
3 plea.

4 **SECTION 3803.** 778.25 (3) of the statutes is amended to read:

5 778.25 (3) If a person is issued a citation under this section the person may
6 deposit the amount of money the issuing agent or officer directs by mailing or
7 delivering the deposit and a copy of the citation to the clerk of court of the county
8 where the violation occurred or the office or headquarters of the agent or officer who
9 issued the citation prior to the court appearance date. The basic amount of the
10 deposit shall be determined under a deposit schedule established by the judicial
11 conference. The judicial conference shall annually review and revise the schedule.
12 In addition to the basic amount determined by the schedule the deposit shall include
13 costs, including any applicable fees prescribed in ch. 814, penalty assessment, law
14 enforcement training fund assessment, jail assessment, and crime laboratories and
15 drug law enforcement assessment.

16 **SECTION 3804.** 778.25 (5) of the statutes is amended to read:

17 778.25 (5) A person receiving a deposit shall prepare a receipt in triplicate
18 showing the purpose for which the deposit is made, stating that the defendant may
19 inquire at the office of the clerk of court regarding the disposition of the deposit, and
20 notifying the defendant that if he or she fails to appear in court at the time fixed in
21 the citation he or she will be deemed to have tendered a plea of no contest and
22 submitted to a forfeiture, penalty assessment, law enforcement training fund
23 assessment, jail assessment, and crime laboratories and drug law enforcement
24 assessment plus costs, including any applicable fees prescribed in ch. 814, not to
25 exceed the amount of the deposit which the court may accept. The original of the

SENATE BILL 55**SECTION 3804**

1 receipt shall be delivered to the defendant in person or by mail. If the defendant pays
2 by check, the check is the receipt.

3 **SECTION 3805.** 778.25 (8) (b) of the statutes is amended to read:

4 778.25 (8) (b) If the defendant has made a deposit, the citation may serve as
5 the initial pleading and the defendant shall be considered to have tendered a plea
6 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
7 training fund assessment, jail assessment, and crime laboratories and drug law
8 enforcement assessment plus costs, including any applicable fees prescribed in ch.
9 814, not exceeding the amount of the deposit. The court may either accept the plea
10 of no contest and enter judgment accordingly, or reject the plea and issue a summons
11 or arrest warrant, except if the defendant is a minor the court shall proceed under
12 s. 938.28. Chapter 938 governs taking and holding a minor in custody. If the court
13 accepts the plea of no contest, the defendant may move within 90 days after the date
14 set for appearance to withdraw the plea of no contest, open the judgment, and enter
15 a plea of not guilty if the defendant shows to the satisfaction of the court that failure
16 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a party
17 is relieved from the plea of no contest, the court or judge may order a written
18 complaint or petition to be filed. If on reopening the defendant is found not guilty,
19 the court shall delete the record of conviction and shall order the defendant's deposit
20 returned.

21 **SECTION 3806.** 778.25 (10) of the statutes is amended to read:

22 778.25 (10) An officer collecting moneys for a forfeiture, penalty assessment,
23 law enforcement training fund assessment, jail assessment, crime laboratories and
24 drug law enforcement assessment, and costs under this section shall pay the same
25 to the appropriate municipal or county treasurer within 20 days after its receipt by

SENATE BILL 55**SECTION 3806**

1 the officer, except that all jail assessments shall be paid to the county treasurer. If
2 the officer fails to make timely payment, the municipal or county treasurer may
3 collect the payment from the officer by an action in the treasurer's name of office and
4 upon the official bond of the officer, with interest at the rate of 12% per year from the
5 time when it should have been paid.

6 **SECTION 3807.** 778.26 (2) (e) of the statutes is amended to read:

7 778.26 (2) (e) The maximum forfeiture, penalty assessment, law enforcement
8 training fund assessment, jail assessment, and crime laboratories and drug law
9 enforcement assessment for which the defendant is liable.

10 **SECTION 3808.** 778.26 (2) (g) of the statutes is amended to read:

11 778.26 (2) (g) Notice that, if the defendant makes a deposit and fails to appear
12 in court at the time specified in the citation, the failure to appear will be considered
13 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
14 enforcement training fund assessment, jail assessment, and crime laboratories and
15 drug law enforcement assessment plus costs not to exceed the amount of the deposit.
16 The notice shall also state that the court, instead of accepting the deposit and plea,
17 may decide to summon the defendant or may issue an arrest warrant for the
18 defendant upon failure to respond to a summons.

19 **SECTION 3809.** 778.26 (2) (h) of the statutes is amended to read:

20 778.26 (2) (h) Notice that, if the defendant makes a deposit and signs the
21 stipulation, the stipulation will be treated as a plea of no contest and submission to
22 a forfeiture, penalty assessment, law enforcement training fund assessment, jail
23 assessment, and crime laboratories and drug law enforcement assessment plus costs
24 not to exceed the amount of the deposit. The notice shall also state that the court,
25 instead of accepting the deposit and stipulation, may decide to summon the

SENATE BILL 55**SECTION 3809**

1 defendant or issue an arrest warrant for the defendant upon failure to respond to a
2 summons, and that the defendant may, at any time prior to or at the time of the court
3 appearance date, move the court for relief from the effect of the stipulation.

4 **SECTION 3810.** 778.26 (3) of the statutes is amended to read:

5 778.26 (3) A defendant issued a citation under this section may deposit the
6 amount of money the issuing officer directs by mailing or delivering the deposit and
7 a copy of the citation prior to the court appearance date to the clerk of the circuit court
8 in the county where the violation occurred or to the sheriff's office or police
9 headquarters of the officer who issued the citation. The basic amount of the deposit
10 shall be determined under a deposit schedule established by the judicial conference.
11 The judicial conference shall annually review and revise the schedule. In addition
12 to the basic amount determined by the schedule the deposit shall include the penalty
13 assessment, law enforcement training fund assessment, jail assessment, crime
14 laboratories and drug law enforcement assessment, and costs.

15 **SECTION 3811.** 778.26 (4) of the statutes is amended to read:

16 778.26 (4) A defendant may make a stipulation of no contest by submitting a
17 deposit and a stipulation in the manner provided by sub. (3) prior to the court
18 appearance date. The signed stipulation is a plea of no contest and submission to a
19 forfeiture plus the penalty assessment, law enforcement training fund assessment,
20 jail assessment, crime laboratories and drug law enforcement assessment, and costs
21 not to exceed the amount of the deposit.

22 **SECTION 3812.** 778.26 (5) of the statutes is amended to read:

23 778.26 (5) Except as provided by sub. (6), a person receiving a deposit shall
24 prepare a receipt in triplicate showing the purpose for which the deposit is made,
25 stating that the defendant may inquire at the office of the clerk of the circuit court

SENATE BILL 55**SECTION 3812**

1 regarding the disposition of the deposit, and notifying the defendant that if he or she
2 fails to appear in court at the time specified in the citation he or she shall be
3 considered to have tendered a plea of no contest and submitted to a forfeiture,
4 penalty assessment, law enforcement training fund assessment, jail assessment,
5 and crime laboratories and drug law enforcement assessment plus costs not to exceed
6 the amount of the deposit and that the court may accept the plea. The original of the
7 receipt shall be delivered to the defendant in person or by mail. If the defendant pays
8 by check, the canceled check is the receipt.

9 **SECTION 3813.** 778.26 (6) of the statutes is amended to read:

10 778.26 (6) The person receiving a deposit and stipulation of no contest shall
11 prepare a receipt in triplicate showing the purpose for which the deposit is made,
12 stating that the defendant may inquire at the office of the clerk of the circuit court
13 regarding the disposition of the deposit, and notifying the defendant that if the
14 stipulation of no contest is accepted by the court the defendant will be considered to
15 have submitted to a forfeiture, penalty assessment, law enforcement training fund
16 assessment, jail assessment, and crime laboratories and drug law enforcement
17 assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt
18 shall be made in the same manner as provided in sub. (5).

19 **SECTION 3814.** 778.26 (7) (b) of the statutes is amended to read:

20 778.26 (7) (b) If the defendant has made a deposit, the citation may serve as
21 the initial pleading and the defendant shall be considered to have tendered a plea
22 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
23 training fund assessment, jail assessment, and crime laboratories and drug law
24 enforcement assessment plus costs not to exceed the amount of the deposit. The court
25 may either accept the plea of no contest and enter judgment accordingly, or reject the

SENATE BILL 55**SECTION 3814**

1 plea and issue a summons. If the defendant fails to appear in response to the
2 summons, the court shall issue an arrest warrant. If the court accepts the plea of no
3 contest, the defendant may, within 90 days after the date set for appearance, move
4 to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty
5 if the defendant shows to the satisfaction of the court that failure to appear was due
6 to mistake, inadvertence, surprise, or excusable neglect. If a defendant is relieved
7 from the plea of no contest, the court may order a written complaint or petition to be
8 filed. If on reopening the defendant is found not guilty, the court shall delete the
9 record of conviction and shall order the defendant's deposit returned.

10 **SECTION 3815.** 778.26 (7) (c) of the statutes is amended to read:

11 778.26 (7) (c) If the defendant has made a deposit and stipulation of no contest,
12 the citation serves as the initial pleading and the defendant shall be considered to
13 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment,
14 law enforcement training fund assessment, jail assessment, and crime laboratories
15 and drug law enforcement assessment plus costs not to exceed the amount of the
16 deposit. The court may either accept the plea of no contest and enter judgment
17 accordingly, or reject the plea and issue a summons or an arrest warrant. After
18 signing a stipulation of no contest, the defendant may, at any time prior to or at the
19 time of the court appearance date, move the court for relief from the effect of the
20 stipulation. The court may act on the motion, with or without notice, for cause shown
21 by affidavit and upon just terms, and relieve the defendant from the stipulation and
22 the effects of the stipulation.

23 **SECTION 3816.** 778.26 (9) of the statutes is amended to read:

24 778.26 (9) An officer who collects a forfeiture, penalty assessment, law
25 enforcement training fund assessment, jail assessment, and crime laboratories and

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1 drug law enforcement assessment and costs under this section shall pay the money
2 to the county treasurer within 20 days after its receipt. If the officer fails to make
3 timely payment, the county treasurer may collect the payment from the officer by an
4 action in the treasurer's name of office and upon the official bond of the officer, with
5 interest at the rate of 12% per year from the time when it should have been paid.

6 **SECTION 3817.** 800.02 (2) (a) 8. of the statutes is amended to read:

7 800.02 (2) (a) 8. Notice that, if the defendant makes a deposit and fails to
8 appear in court at the time fixed in the citation, the defendant is deemed to have
9 tendered a plea of no contest and submits to a forfeiture, penalty assessment, law
10 enforcement training fund assessment, jail assessment, and crime laboratories and
11 drug law enforcement assessment, any applicable consumer information protection
12 assessment, and any applicable domestic abuse assessment plus costs, including the
13 fee prescribed in s. 814.65 (1), not to exceed the amount of the deposit. The notice
14 shall also state that the court may decide to summon the defendant rather than
15 accept the deposit and plea.

16 **SECTION 3818.** 800.02 (3) (a) 5. of the statutes is amended to read:

17 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
18 event or occurrence from which the violation arose and showing that the plaintiff is
19 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action
20 is based and a demand for a forfeiture, the amount of which shall not exceed the
21 maximum set by the statute involved, the penalty assessment, the law enforcement
22 training fund assessment, the jail assessment, the crime laboratories and drug law
23 enforcement assessment, any applicable consumer information protection
24 assessment, any applicable domestic abuse assessment, and such other relief that
25 is sought by the plaintiff.

SENATE BILL 55**SECTION 3819**

1 **SECTION 3819.** 800.03 (3) of the statutes is amended to read:

2 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
3 shall not be effective until approved by the governing body of the municipality. The
4 amount shall not exceed the maximum penalty for the offense, including any penalty
5 assessment that would be applicable under s. 757.05, any law enforcement training
6 fund assessment that would be applicable under s. 165.87 (1), any jail assessment
7 that would be applicable under s. 302.46 (1), any crime laboratories and drug law
8 enforcement assessment that would be applicable under s. 165.755, any consumer
9 ~~information~~ protection assessment that would be applicable under s. 100.261, and
10 any domestic abuse assessment that would be applicable under s. 973.055 (1), plus
11 court costs, including the fee prescribed in s. 814.65 (1).

12 **SECTION 3820.** 800.04 (2) (b) of the statutes is amended to read:

13 800.04 (2) (b) If the municipal judge determines that the defendant should not
14 be released under par. (a) and the defendant is charged with a traffic or boating
15 violation, the municipal judge shall release the defendant on a deposit in the amount
16 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
17 For other violations, the municipal judge shall establish a deposit in an amount not
18 to exceed the maximum penalty for the offense, including any penalty assessment
19 that would be applicable under s. 757.05, any law enforcement training fund
20 assessment that would be applicable under s. 165.87 (1), any jail assessment that
21 would be applicable under s. 302.46 (1), any crime laboratories and drug law
22 enforcement assessment that would be applicable under s. 165.755, any consumer
23 ~~information~~ protection assessment that would be applicable under s. 100.261, and
24 any domestic abuse assessment that would be applicable under s. 973.055 (1). If the
25 judge in a 1st class city determines that a defendant appearing before the judge

SENATE BILL 55**SECTION 3820**

1 through interactive video and audio transmission should not be released under par.
2 (a), the judge shall inform the defendant that he or she has the right to appear
3 personally before a judge for a determination, not prejudiced by the first appearance,
4 as to whether he or she should be released without a deposit. On failure of the
5 defendant to make a deposit under this paragraph, he or she may be committed to
6 jail pending trial only if the judge finds that there is a reasonable basis to believe the
7 person will not appear in court.

8 **SECTION 3821.** 800.04 (2) (c) of the statutes is amended to read:

9 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
10 and does not appear, he or she is deemed to have tendered a plea of no contest and
11 submits to a forfeiture, a penalty assessment imposed by s. 757.05, a law
12 enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment
13 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
14 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment
15 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
16 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the
17 amount of the deposit. The court may either accept the plea of no contest and enter
18 judgment accordingly, or reject the plea and issue a summons. If the court finds that
19 the violation meets the conditions in s. 800.093 (1), the court may summon the
20 alleged violator into court to determine if restitution shall be ordered under s.
21 800.093. If the defendant fails to appear in response to the summons, the court shall
22 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,
23 the court shall allow the defendant to withdraw the plea of no contest.

24 **SECTION 3822.** 800.09 (1) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 3822**

1 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
2 may render judgment by ordering restitution under s. 800.093 and payment of a
3 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
4 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by
5 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
6 by s. 165.755, any applicable consumer information protection assessment imposed
7 by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055
8 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court
9 shall apply any payment received on a judgment that includes restitution to first
10 satisfy any payment of restitution ordered, then to pay the forfeiture, assessments,
11 and costs. If the judgment is not paid, the court may proceed under par. (a), (b), or
12 (c) or any combination of those paragraphs, as follows:

13 **SECTION 3823.** 800.09 (1) (a) of the statutes is amended to read:

14 800.09 (1) (a) The court may defer payment of any judgment or provide for
15 instalment payments. At the time the judgment is rendered, the court shall inform
16 the defendant, orally and in writing, of the date by which restitution and the
17 payment of the forfeiture, the penalty assessment, the law enforcement training
18 fund assessment, the jail assessment, the crime laboratories and drug law
19 enforcement assessment, any applicable consumer information protection
20 assessment, and any applicable domestic abuse assessment plus costs must be made,
21 and of the possible consequences of failure to do so in timely fashion, including
22 imprisonment, as provided in s. 800.095, or suspension of the defendant's motor
23 vehicle operating privilege, as provided in par. (c), if applicable. If the defendant is
24 not present, the court shall ensure that the information is sent to the defendant by

SENATE BILL 55**SECTION 3823**

1 mail. In 1st class cities, all of the written information required by this paragraph
2 shall be printed in English and Spanish and provided to each defendant.

3 **SECTION 3824.** 800.09 (2) (b) of the statutes is amended to read:

4 800.09 (2) (b) If the person charged fails to appear personally or by an attorney
5 at the time fixed for hearing of the case, the defendant may be deemed to have
6 entered a plea of no contest and the money deposited, if any, or such portion thereof
7 as the court determines to be an adequate penalty, plus the penalty assessment, the
8 law enforcement training fund assessment, the jail assessment, the crime
9 laboratories and drug law enforcement assessment, any applicable consumer
10 information protection assessment, and any applicable domestic abuse assessment
11 plus costs, including the fee prescribed in s. 814.65 (1), may be declared forfeited by
12 the court or may be ordered applied upon the payment of any penalty which may be
13 imposed, together with the penalty assessment, the law enforcement training fund
14 assessment, the jail assessment, the crime laboratories and drug law enforcement
15 assessment, any applicable consumer information protection assessment, and any
16 applicable domestic abuse assessment plus costs. If the court finds that the violation
17 meets the conditions in s. 800.093 (1), the court may summon the alleged violator into
18 court to determine if restitution shall be ordered under s. 800.093. Any money
19 remaining after payment of any penalties, assessments, costs, and restitution shall
20 be refunded to the person who made the deposit.

21 **SECTION 3825.** 800.10 (2) of the statutes is amended to read:

22 800.10 (2) All forfeitures, fees, penalty assessments, law enforcement training
23 fund assessments, crime laboratories and drug law enforcement assessments,
24 consumer information protection assessments, domestic abuse assessments, and
25 costs paid to a municipal court under a judgment before a municipal judge shall be

SENATE BILL 55**SECTION 3825**

1 paid to the municipal treasurer within 7 days after receipt of the money by a
2 municipal judge or other court personnel. At the time of the payment, the municipal
3 judge shall report to the municipal treasurer the title of the action, the offense for
4 which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty
5 assessments, law enforcement training fund assessments, crime laboratories and
6 drug law enforcement assessments, consumer ~~information~~ protection assessments,
7 domestic abuse assessments, and costs, if any. The treasurer shall disburse the fees
8 as provided in s. 814.65 (1). All jail assessments paid to a municipal court under a
9 judgment before a municipal judge shall be paid to the county treasurer within 7
10 days after receipt of the money by a municipal judge or other court personnel.

11 **SECTION 3826.** 800.12 (2) of the statutes is amended to read:

12 800.12 (2) A municipality may by ordinance provide that a municipal judge
13 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
14 or, upon nonpayment of the forfeiture, penalty assessment under s. 757.05, law
15 enforcement training fund assessment under s. 165.87 (1), jail assessment under s.
16 302.46, crime laboratories and drug law enforcement assessment under s. 165.755,
17 any applicable consumer ~~information~~ protection assessment under s. 100.261, and
18 any applicable domestic abuse assessment under s. 973.055 (1), a jail sentence not
19 to exceed 7 days.

20 **SECTION 3827.** 801.02 (7) (a) 1. of the statutes is repealed.

21 **SECTION 3828.** 801.02 (7) (a) 2. (intro.) of the statutes is amended to read:

22 801.02 (7) (a) 2. (intro.) "Prisoner" means any person who is incarcerated,
23 imprisoned, or otherwise detained ~~in a correctional institution or~~ and who is in the
24 custody of the department of corrections or of the sheriff, superintendent, or other
25 keeper of a jail or house of corrections or any person who is arrested or otherwise

SENATE BILL 55**SECTION 3828**

1 detained by a law enforcement officer. "Prisoner" does not include any of the
2 following:

3 **SECTION 3829.** 808.075 (4) (fn) 10. of the statutes is created to read:

4 808.075 (4) (fn) 10. Extension, under s. 938.538 (4m) (a) 2., of a placement
5 under s. 938.538 (3) (a) 1.

6 **SECTION 3830.** 813.02 (1) (c) 1. of the statutes is amended to read:

7 813.02 (1) (c) 1. The court may not issue the injunction until giving notice and
8 an opportunity to be heard on the request for a preliminary injunction to the attorney
9 general, if the case involves a prisoner in a state correctional institution, as defined
10 in s. 801.02 (7) (a) 1. the custody of the department of corrections, or to the attorney
11 representing the local correctional institution involved and to all other interested
12 parties. Any injunction issued without giving notice and an opportunity to be heard
13 is void.

14 **SECTION 3831.** 814.60 (2) (ad) of the statutes is created to read:

15 814.60 (2) (ad) Law enforcement training fund assessment imposed by s.
16 165.87 (1).

17 **SECTION 3832.** 814.60 (2) (ai) of the statutes is amended to read:

18 814.60 (2) (ai) Consumer information protection assessment imposed by s.
19 100.261.

20 **SECTION 3833.** 814.63 (3) (ad) of the statutes is created to read:

21 814.63 (3) (ad) Law enforcement training fund assessment imposed by s.
22 165.87 (1).

23 **SECTION 3834.** 814.63 (3) (ai) of the statutes is amended to read:

24 814.63 (3) (ai) Consumer information protection assessment imposed by s.
25 100.261.

SENATE BILL 55**SECTION 3835**

1 **SECTION 3835.** 814.635 (1m) of the statutes is repealed.

2 **SECTION 3836.** 814.635 (2) of the statutes is amended to read:

3 814.635 (2) The clerk shall pay the moneys collected under ~~subs. sub.~~ (1) and
4 (1m) to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay
5 those moneys to the state treasurer under s. 59.25 (3) (p).

6 **SECTION 3837.** 852.01 (3) of the statutes is amended to read:

7 852.01 (3) ESCHEAT. If there are no heirs of the decedent under subs. (1) and
8 (2), the net estate escheats to the state to be added to the capital of the school fund.
9 Claims on amounts escheated to the state may be made under s. 863.39 (3) within
10 10 years after the date of publication under s. 177.18 (2m). If a claimant resides
11 outside the United States or its territories, the court may require the personal
12 appearance of the claimant before the court.

13 **SECTION 3838.** 863.37 (2) (a) of the statutes is renumbered 863.37 (2) and
14 amended to read:

15 863.37 (2) Whenever payment of a legacy or a distributive share cannot be
16 made to the person entitled to payment or it appears that the person may not receive
17 or have the opportunity to obtain payment, the court may, on petition of a person
18 interested or on its own motion, order that the funds be paid or delivered to the state
19 treasurer for deposit as provided under s. 177.23. Claims on the funds may be made
20 under s. 863.39 (3) within 10 years after the date of publication under s. 177.18 (2m).
21 When a claimant to the funds resides outside the United States or its territories the
22 court may require the personal appearance of the claimant before the court.

23 **SECTION 3839.** 863.37 (2) (b) of the statutes is repealed.

24 **SECTION 3840.** 863.39 (3) (a) of the statutes is amended to read:

SENATE BILL 55**SECTION 3840**

1 863.39 (3) (a) Within 10 years after the date of publication under s. 177.18 (2m),
2 any person claiming any amount deposited under sub. (1) or under s. 852.01 (3) or
3 863.37 (2) may file in the probate court in which the estate was settled a petition
4 alleging the basis of his or her claim. The court shall order a hearing upon the
5 petition, and 20 days' notice of the hearing and a copy of the petition shall be given
6 by the claimant to the ~~department of revenue~~ state treasurer and to the attorney
7 general, who may appear for the state at the hearing. If the claim is established it
8 shall be allowed without interest, but including any increment which may have
9 occurred on securities held, ~~and the court shall so certify to the department of~~
10 ~~administration, which shall audit the claim.~~ The state treasurer shall pay the claim
11 out of the appropriation under s. 20.585 (1) (j). ~~Before issuing the order distributing~~
12 ~~the estate, the court shall issue an order determining the death tax due, if any.~~ If real
13 property has been adjudged to escheat to the state under s. 852.01 (3) the probate
14 court ~~which~~ that made the adjudication may adjudge at any time before title has been
15 transferred from the state that the title shall be transferred to the proper owners
16 under this subsection.

17 **SECTION 3841.** 863.39 (3) (b) of the statutes is repealed.

18 **SECTION 3842.** 863.39 (3) (bm) of the statutes is created to read:

19 863.39 (3) (bm) 1. Notwithstanding par. (a), any person claiming an amount
20 deposited under sub. (1) or under s. 852.01 (3) or 863.37 (2) that does not exceed
21 \$5,000 may, within 10 years after the date of publication under s. 177.18 (2m), file
22 with the state treasurer a claim on a form prescribed by the state treasurer and
23 verified by the claimant.

24 2. The state treasurer shall consider each claim within 90 days after it is filed
25 and may refer any claim to the attorney general for an opinion. For each claim

SENATE BILL 55**SECTION 3842**

1 referred, the attorney general shall advise the state treasurer either to allow it or to
2 deny it in whole or in part. The state treasurer shall give written notice to the
3 claimant if the claim is denied in whole or in part. The notice shall be given by
4 mailing it to the last address, if any, stated in the claim as the address of the claimant
5 to which notices are to be sent. If no address for notices is stated in the claim, the
6 notice shall be mailed to the last address, if any, stated in the claim as the address
7 of the claimant. No notice of denial need be given if the claim fails to state either the
8 last address to which notices are to be sent or the address of the claimant.

9 3. If the state treasurer determines that the claim should be allowed, the state
10 treasurer shall provide written notice to, and obtain the written consent of, the
11 attorney general. The state treasurer shall file with the probate court in which the
12 estate was settled written notice of the allowed claim, as well as the written consent
13 of the attorney general. The probate court shall issue an order requiring the state
14 treasurer to pay the claim. The state treasurer shall pay the claim, without interest
15 but including any increment that may have occurred on securities held, out of the
16 appropriation account under s. 20.585 (1) (j).

17 4. A person aggrieved by a decision of the state treasurer under this paragraph,
18 or whose claim has not been acted upon by the state treasurer within 90 days after
19 its filing under subd. 1., may bring an action to establish the claim in the probate
20 court in which the estate was settled. The action shall be brought within 90 days
21 after the decision of the state treasurer or within 180 days after the filing of the claim
22 if the state treasurer has failed to act on it. If the person establishes the claim in the
23 action, the court shall award the person costs and reasonable attorney fees against
24 the state treasurer.

25 **SECTION 3843.** 867.035 (1) (a) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 3843**

1 867.035 (1) (a) (intro.) ~~Except as provided in~~ Subject to par. (bm), the
2 department of health and family services may collect from the property of a decedent,
3 including funds of a decedent that are held by the decedent immediately before death
4 in a joint account or a P.O.D. account, by affidavit under ~~this section~~ sub. (2) or by
5 lien under sub. (2m) an amount equal to the medical assistance that is recoverable
6 under s. 49.496 (3) (a), the long-term community support services under s. 46.27 that
7 is recoverable under s. 46.27 (7g) (c) 1., the family care benefit that is recoverable
8 under rules promulgated under s. 46.286 (7), or the aid under s. 49.68, 49.683, or
9 49.685 that is recoverable under s. 49.682 (2) (a) and that was paid on behalf of the
10 decedent or the decedent's spouse, if all of the following conditions are satisfied:

11 **SECTION 3844.** 867.035 (1) (a) 1. of the statutes is amended to read:

12 867.035 (1) (a) 1. No person files a petition for administration or summary
13 settlement or assignment of the decedent's estate within 20 days of death.

14 **SECTION 3845.** 867.035 (1) (bm) (intro.) of the statutes is amended to read:

15 867.035 (1) (bm) (intro.) The department of health and family services ~~may not~~
16 ~~collect by affidavit under this section from any of~~ shall reduce the amount of its
17 recovery under par. (a) by up to the amount specified in s. 861.33 (2) if necessary to
18 allow the decedent's heirs or beneficiaries under the decedent's will to retain the
19 following personal property of the decedent:

20 **SECTION 3846.** 867.035 (1) (bm) 1. of the statutes is repealed.

21 **SECTION 3847.** 867.035 (1) (bm) 2. of the statutes is amended to read:

22 867.035 (1) (bm) 2. Wearing apparel and jewelry held for personal use.

23 **SECTION 3848.** 867.035 (1) (bm) 3. of the statutes is amended to read:

24 867.035 (1) (bm) 3. Household furniture, furnishings, and appliances.

SENATE BILL 55**SECTION 3849**

1 **SECTION 3849.** 867.035 (1) (bm) 4. of the statutes is repealed and recreated to
2 read:

3 867.035 (1) (bm) 4. Other tangible personal property not used in trade,
4 agriculture, or other business, not exceeding in value the amount specified in s.
5 861.33 (1) (a) 4.

6 **SECTION 3850.** 867.035 (2) of the statutes is amended to read:

7 867.035 (2) A person who possesses property of a decedent shall transmit the
8 property to the department of health and family services, if the conditions in sub. (1)
9 (a) 1. to 4. are satisfied, upon receipt of an affidavit by a person designated by the
10 secretary of health and family services to administer this section showing that the
11 ~~conditions in sub. (1) (a) are satisfied~~ department paid on behalf of the decedent or
12 the decedent's spouse recoverable benefits specified in sub. (1) (a). Upon transmittal,
13 the person is released from any obligation to other creditors or heirs of the decedent.

14 **SECTION 3851.** 867.035 (2m) of the statutes is created to read:

15 867.035 (2m) (a) If the conditions in sub. (1) (a) 1., 2., and 4. are satisfied, the
16 department of health and family services shall have a lien in the amount that it may
17 recover under sub. (1) (a) on any interest in the decedent's home, as defined in s.
18 49.496 (1) (b), transferred under s. 867.03 (1g). The department may record the lien
19 in the office of the register of deeds of the county in which the real property is located.
20 The department may enforce the lien by foreclosure in the same manner as a
21 mortgage on real property, unless any of the following is alive:

22 1. The decedent's spouse.

23 2. A child of the decedent if the child is under age 21 or disabled, as defined in
24 s. 49.468 (1) (a) 1.

SENATE BILL 55**SECTION 3851**

1 (b) If the conditions in sub. (1) (a) 1. to 4. are satisfied, the department of health
2 and family services shall have a lien in the amount that it may recover under sub.
3 (1) (a) on any interest in any real property of the decedent transferred under s. 867.03
4 (1g). The department may record the lien in the office of the register of deeds of the
5 county in which the real property is located and may enforce the lien by foreclosure
6 in the same manner as a mortgage on real property.

7 **SECTION 3852.** 885.37 (title) of the statutes is amended to read:

8 **885.37 (title) Interpreters for persons with language difficulties or**
9 **hearing or speaking impairments limited English proficiency.**

10 **SECTION 3853.** 885.37 (1) of the statutes is renumbered 885.37 (1m), and 885.37
11 (1m) (b), as renumbered, is amended to read:

12 885.37 (1m) (b) If a court has notice that a person who fits any of the criteria
13 under par. (a) has ~~a language difficulty because of the inability to speak or~~
14 ~~understand English, has a hearing impairment, is unable to speak or has a speech~~
15 ~~defect the court shall make a factual determination of whether the language~~
16 ~~difficulty or the hearing or speaking impairment is sufficient to prevent the~~
17 ~~individual from communicating with his or her attorney, reasonably understanding~~
18 ~~the English testimony or reasonably being understood in English. If the court~~
19 ~~determines that, limited English proficiency and that an interpreter is necessary, the~~
20 court shall advise the person that he or she has a right to a qualified interpreter and
21 that, if the person cannot afford one, an interpreter will be provided for him or her
22 at the public's expense. ~~Any waiver of the right to an interpreter is effective only if~~
23 ~~made voluntarily in person, in open court and on the record.~~

24 **SECTION 3854.** 885.37 (1g) of the statutes is created to read:

25 885.37 (1g) In this section:

SENATE BILL 55**SECTION 3854**

1 (a) "Limited English proficiency" means any of the following:

2 1. The inability, because of the use of a language other than English, to
3 adequately understand or communicate effectively in English in a court proceeding.

4 2. The inability, due to a speech impairment, hearing loss, deafness,
5 deaf-blindness, or other disability, to adequately hear, understand, or communicate
6 effectively in English in a court proceeding.

7 (b) "Qualified interpreter" means a person who is able to do all of the following:

8 1. Readily communicate with a person who has limited English proficiency.

9 2. Orally transfer the meaning of statements to and from English and the
10 language spoken by a person who has limited English proficiency in the context of
11 a court proceeding.

12 3. Readily and accurately interpret for a person who has limited English
13 proficiency, without omissions or additions, in a manner that conserves the meaning,
14 tone, and style of the original statement, including dialect, slang, and specialized
15 vocabulary.

16 **SECTION 3855.** 885.37 (2) of the statutes is amended to read:

17 885.37 (2) A court may authorize the use of an interpreter in actions or
18 proceedings in addition to those specified in sub. (1) (1m).

19 **SECTION 3856.** 885.37 (3) (b) of the statutes is amended to read:

20 885.37 (3) (b) In any administrative contested case proceeding before a state,
21 county, or municipal agency, if the agency conducting the proceeding has notice that
22 a party to the proceeding has ~~a language difficulty because of the inability to speak~~
23 ~~or understand English, has a hearing impairment, is unable to speak or has a speech~~
24 ~~defect, the agency shall make a factual determination of whether the language~~
25 ~~difficulty or hearing or speaking impairment is sufficient to prevent the party from~~

SENATE BILL 55**SECTION 3856**

1 ~~communicating with others, reasonably understanding the English testimony or~~
2 ~~reasonably being understood in English. If the agency determines limited English~~
3 ~~proficiency and that an interpreter is necessary, the agency shall advise the party~~
4 ~~that he or she has a right to a qualified interpreter. After considering the party's~~
5 ~~ability to pay and the other needs of the party, the agency may provide for an~~
6 ~~interpreter for the party at the public's expense. Any waiver of the right to an~~
7 ~~interpreter is effective only if made at the administrative contested case proceeding.~~

8 **SECTION 3857.** 885.37 (3m) of the statutes is amended to read:

9 885.37 **(3m)** Any agency may authorize the use of ~~an~~ a qualified interpreter in
10 a contested case proceeding for a person who is not a party but who has a substantial
11 interest in the proceeding.

12 **SECTION 3858.** 885.37 (4) (a) (intro.) of the statutes is amended to read:

13 885.37 **(4)** (a) (intro.) The necessary expense of furnishing ~~an~~ a qualified
14 interpreter for an indigent person under sub. ~~(1)~~ (1m) or (2) shall be paid as follows:

15 **SECTION 3859.** 885.37 (4) (b) of the statutes is amended to read:

16 885.37 **(4)** (b) The necessary expense of furnishing ~~an~~ a qualified interpreter
17 for an indigent party under sub. (3) shall be paid by the unit of government for which
18 the proceeding is held.

19 **SECTION 3860.** 885.37 (5) (a) of the statutes is amended to read:

20 885.37 **(5)** (a) If a court under sub. ~~(1)~~ (1m) or (2) or an agency under sub. (3)
21 decides to appoint an interpreter, the court or agency shall follow the applicable
22 procedure under par. (b) or (c).

23 **SECTION 3861.** 885.37 (6) to (10) of the statutes are created to read:

SENATE BILL 55**SECTION 3861**

1 885.37 **(6)** (a) If a person with limited English proficiency requests the
2 assistance of the clerk of circuit courts regarding a legal proceeding, the clerk may
3 provide the assistance of a qualified interpreter to respond to the person's inquiry.

4 (b) A qualified interpreter appointed under this section may, with the approval
5 of the court, provide interpreter services outside the court room that are related to
6 the court proceedings, including during court-ordered psychiatric or medical exams
7 or mediation.

8 **(7)** (a) A person with limited English proficiency may waive the right to a
9 qualified interpreter at any point in the court proceeding if the court advises the
10 person of the nature and effect of the waiver and determines on the record that the
11 waiver has been made knowingly, intelligently, and voluntarily.

12 (b) At any point in the court proceeding, for good cause, the person with limited
13 English proficiency may retract his or her waiver and request that a qualified
14 interpreter be appointed.

15 (c) Any party to a court proceeding may object to the use of any qualified
16 interpreter for good cause. The court may remove a qualified interpreter for good
17 cause.

18 **(8)** Every qualified interpreter, before commencing his or her duties in a court
19 proceeding, shall take a sworn oath that he or she will make a true and impartial
20 interpretation. The supreme court may approve a uniform oath for qualified
21 interpreters.

22 **(9)** The delay resulting from the need to locate and appoint a qualified
23 interpreter may constitute good cause for the court to toll the time limitations in the
24 court proceeding.

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1 **(10)** The supreme court shall establish the procedures and policies for the
2 recruitment, training, and testing of persons to act as qualified interpreters in a
3 court proceeding and for the coordination, discipline, and retention of those
4 interpreters.

5 **SECTION 3862.** 889.29 (1) of the statutes is amended to read:

6 889.29 **(1)** If any business, institution or member of a profession or calling in
7 the regular course of business or activity has kept or recorded any memorandum,
8 writing, entry, print, representation or combination thereof, of any act, transaction,
9 occurrence or event, and in the regular course of business has caused any or all of the
10 same to be recorded, copied or reproduced by any photographic, photostatic,
11 microfilm, microcard, miniature photographic, or other process which accurately
12 reproduces or forms a durable medium for so reproducing the original, or to be
13 recorded on an optical disk or in electronic format, the original may be destroyed in
14 the regular course of business, unless its preservation is required by law. Such
15 reproduction or optical disk record, when reduced to comprehensible format and
16 when satisfactorily identified, is as admissible in evidence as the original itself in any
17 judicial or administrative proceeding whether the original is in existence or not and
18 an enlargement or facsimile of such reproduction of a record or an enlarged copy of
19 a record generated from an original record stored in optical disk or electronic format
20 is likewise admissible in evidence if the original reproduction is in existence and
21 available for inspection under direction of court. The introduction of a reproduced
22 record, enlargement or facsimile, does not preclude admission of the original. This
23 subsection does not apply to records governed by s. 137.20.

24 **SECTION 3863.** 895.11 of the statutes is created to read:

SENATE BILL 55**SECTION 3863**

1 **895.11 Payments under the tobacco settlement agreement.** (1) In this
2 section, “tobacco settlement agreement” means the Attorneys General Master
3 Tobacco Settlement Agreement of November 23, 1998.

4 (2) The state’s participation in the tobacco settlement agreement is affirmed.

5 (3) All payments received and to be received by the state under the tobacco
6 settlement agreement are the property of the state, to be used as provided by law,
7 including a sale, assignment, or transfer of the right to receive the payments under
8 s. 16.63. No political subdivision of the state, and no officer or agent of any political
9 subdivision of the state, shall have or seek to maintain any claim related to the
10 tobacco settlement agreement or any claim against any party that was released from
11 liability by the state under the tobacco settlement agreement.

12 **SECTION 3864.** 895.483 (title) of the statutes is amended to read:

13 **895.483** (title) **Civil liability exemption; regional and county local**
14 **emergency response teams and their sponsoring agencies.**

15 **SECTION 3865.** 895.483 (2) of the statutes is amended to read:

16 895.483 (2) A ~~county~~ local emergency response team, a member of such a team
17 and the county, city, village, or town that contracts to provide the emergency response
18 team to the county are immune from civil liability for acts or omissions related to
19 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

20 **SECTION 3866.** 895.496 of the statutes is created to read:

21 **895.496 Liability exemption; stray voltage.** (1) In this section:

22 (a) “Farmer” and “farm premises” have the meaning given in s. 102.04 (3).

23 (b) “Public utility” has the meaning given in s. 196.01 (5) (a).

24 (2) A public utility is immune from liability for any damage caused by or
25 resulting from stray voltage contributed by the public utility if that stray voltage is

SENATE BILL 55**SECTION 3866**

1 below the level of concern established by the public service commission that is in
2 effect at the time of measurement, as determined using the principles and guidelines
3 of the public service commission regarding stray voltage screening and diagnostic
4 procedures that are in effect at the time of measurement. Upon request of any party
5 to an action for damages related to stray voltage, the public service commission shall
6 evaluate and testify as to whether the applicable order of the public service
7 commission was followed in calculating the amount of stray voltage.

8 **SECTION 3867.** 895.518 of the statutes is created to read:

9 **895.518 Liability exemption; rails with trails.** (1) In this section,
10 “rails-with-trails trail” means a strip of land that is located partly or fully within an
11 active rail corridor and is identified in an agreement entered into by a railroad that
12 operates within that rail corridor and a person that is sponsoring and maintaining
13 the strip of land for the use of individuals for purposes specified in the agreement.

14 (2) The owner of property upon which a rails-with-trails trail is located and
15 any railroad that operates within the active rail corridor upon which a
16 rails-with-trails trail is located is immune from civil liability for the death of or
17 injury to an individual or damage to an individual’s property resulting from the
18 individual’s use of a rails-with-trails trail.

19 (3) The immunity under sub. (2) does not apply if the death, injury, or damage
20 to property was caused by willful or wanton acts or omissions of the property owner
21 or railroad.

22 **SECTION 3868.** 895.58 (1) (cr) of the statutes is created to read:

23 895.58 (1) (cr) “Solid waste” has the meaning given in s. 289.01 (33).

24 **SECTION 3869.** 895.58 (1) (d) of the statutes is amended to read:

SENATE BILL 55**SECTION 3869**

1 895.58 (1) (d) “Special waste” means any type of solid waste that is
2 characterized for beneficial use in public works projects by the department of natural
3 resources for which the department has granted a waiver or an exemption under s.
4 289.43 (3), (4), (7), or (8) or which is exempt by rule promulgated under s. 289.05 (4).

5 **SECTION 3870.** 895.58 (2) of the statutes is amended to read:

6 895.58 (2) The department may characterize a solid special waste as suitable
7 for beneficial use in public works projects by rule, memorandum of understanding
8 between itself and other state agencies or local governmental units, or on a
9 case-by-case basis. The department shall compile and maintain a list of special
10 wastes that are suitable for use in specified types of public works projects in a format
11 readily available to the general public and only those special wastes may be required
12 by contracting agencies to be used in a public works project. The list may include
13 conditions under which the special waste may be used in the public works project in
14 order for subs. (3) and (4) to be applicable. The list under this subsection is not a rule
15 under s. 227.01 (13).

16 **SECTION 3871.** 895.58 (3) of the statutes is amended to read:

17 895.58 (3) Special waste, when used in a public works project, is ~~not subject to~~
18 exempt from regulation as solid waste under ch. 289 if all applicable conditions
19 included in the list compiled under sub. (2) are met.

20 **SECTION 3872.** 905.015 of the statutes is amended to read:

21 **905.015 Interpreters for persons with language difficulties, limited**
22 **English proficiency, or hearing or speaking impairments.** If an interpreter
23 for a person with a language difficulty, limited English proficiency, as defined in s.
24 885.37 (1g) (a), or a hearing or speaking impairment interprets as an aid to a
25 communication which is privileged by statute, rules adopted by the supreme court,

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1 or the U.S. or state constitution, the interpreter may be prevented from disclosing
2 the communication by any person who has a right to claim the privilege. The
3 interpreter may claim the privilege but only on behalf of the person who has the
4 right. The authority of the interpreter to do so is presumed in the absence of evidence
5 to the contrary.

6 **SECTION 3873.** 908.08 (1) of the statutes is amended to read:

7 908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under
8 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),
9 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the
10 videotaped oral statement of a child who is available to testify, as provided in this
11 section.

12 **SECTION 3874.** 910.01 (1) of the statutes is amended to read:

13 910.01 (1) WRITINGS AND RECORDINGS. "Writings" and "recordings" consist of
14 letters, words or numbers, or their equivalent, set down by handwriting, typewriting,
15 printing, photostating, photographing, magnetic impulse, mechanical or electronic
16 recording, or other form of data compilation or recording.

17 **SECTION 3875.** 910.02 of the statutes is amended to read:

18 **910.02 Requirement of original.** To prove the content of a writing, recording
19 or photograph, the original writing, recording or photograph is required, except as
20 otherwise provided in chs. 901 to 911, s. 137.21, or by other statute.

21 **SECTION 3876.** 910.03 of the statutes is amended to read:

22 **910.03 Admissibility of duplicates.** A duplicate is admissible to the same
23 extent as an original unless (1) a genuine question is raised as to the authenticity of
24 the original or (2) in the circumstances it would be unfair to admit the duplicate in

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1 lieu of the original. This section does not apply to records of transactions governed
2 by s. 137.21.

3 **SECTION 3877.** 938.02 (15m) of the statutes is amended to read:

4 938.02 (**15m**) "Secured correctional facility" means a correctional institution
5 operated or contracted for by the department of corrections or operated by the
6 department of health and family services for holding in secure custody persons
7 adjudged delinquent. "Secured correctional facility" includes the Mendota juvenile
8 treatment center under s. 46.057, ~~the facility at which the juvenile boot camp~~
9 ~~program under s. 938.532 is operated~~ and a facility authorized under s. 938.533 (3)
10 (b), 938.538 (4) (b), or 938.539 (5).

11 **SECTION 3878.** 938.17 (2) (d) of the statutes is amended to read:

12 938.17 (**2**) (d) If a municipal court finds that the juvenile violated a municipal
13 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
14 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
15 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
16 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
17 imposed by the municipal court, the court may not impose a jail sentence but may
18 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
19 years, ~~or, unless the forfeiture was imposed for violating an ordinance unrelated to~~
20 ~~the juvenile's operation of a motor vehicle, may suspend the juvenile's operating~~
21 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.
22 If a court suspends a license or privilege under this section, the court shall
23 immediately take possession of the applicable license and forward it to the
24 department that issued the license, together with the notice of suspension clearly
25 stating that the suspension is for failure to pay a forfeiture imposed by the court. If

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1 the forfeiture is paid during the period of suspension, the court shall immediately
2 notify the department, which shall thereupon return the license to the person.

3 **SECTION 3879.** 938.183 (3) of the statutes is amended to read:

4 938.183 (3) Except as provided in s. 973.013 (3m), the department shall place
5 a juvenile under 15 years of age who is subject to a criminal penalty under sub. (1m)
6 or (2) in a secured correctional facility or a secured child caring institution. When
7 a juvenile who is subject to a criminal penalty under sub. (1m) or (2) attains the age
8 of ~~17~~ 15 years, the department may place the juvenile in a state prison named in s.
9 302.01. ~~If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15~~
10 ~~years of age or over, the department may transfer the juvenile to the Racine youthful~~
11 ~~offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ A
12 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act
13 committed before December 31, 1999, is eligible for parole under s. 304.06.

14 **SECTION 3880.** 938.185 (2) of the statutes is amended to read:

15 938.185 (2) Venue for any proceeding under s. 938.363 ~~or~~, 938.365, or 938.538
16 (4m) (a) 2. shall be in the county where the dispositional order was issued, unless the
17 juvenile's county of residence has changed, or the parent of the juvenile has resided
18 in a different county of this state for 6 months. In either case, the court may, upon
19 a motion and for good cause shown, transfer the case, along with all appropriate
20 records, to the county of residence of the juvenile or parent.

21 **SECTION 3881.** 938.19 (1) (d) 6. of the statutes is amended to read:

22 938.19 (1) (d) 6. The juvenile has violated ~~the terms~~ a condition of
23 court-ordered supervision or aftercare supervision administered by the department
24 or a county department, a condition of the juvenile's placement in a Type 2 secured

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1 correctional facility or a Type 2 child caring institution, or a condition of the juvenile's
2 participation in the intensive supervision program under s. 938.534.

3 **SECTION 3882.** 938.20 (2) (cm) of the statutes is amended to read:

4 938.20 (2) (cm) If the juvenile has violated ~~the terms~~ a condition of aftercare
5 supervision administered by the department or a county department, a condition of
6 the juvenile's placement in a Type 2 secured correctional facility or a Type 2 child
7 caring institution, or a condition of the juvenile's participation in the intensive
8 supervision program under s. 938.534, the person who took the juvenile into custody
9 may release the juvenile to the department or county department, whichever has
10 aftercare supervision over the juvenile.

11 **SECTION 3883.** 938.20 (7) (c) 1m. of the statutes is amended to read:

12 938.20 (7) (c) 1m. In the case of a juvenile who has violated ~~the terms~~ a
13 condition of aftercare supervision administered by the department or a county
14 department, a condition of the juvenile's placement in a Type 2 secured correctional
15 facility or a Type 2 child caring institution, or a condition of the juvenile's
16 participation in the intensive supervision program under s. 938.534, to the
17 department or county department, whichever has aftercare supervision of the
18 juvenile.

19 **SECTION 3884.** 938.20 (8) of the statutes is amended to read:

20 938.20 (8) If a juvenile is held in custody, the intake worker shall notify the
21 juvenile's parent, guardian, and legal custodian of the reasons for holding the
22 juvenile in custody and of the juvenile's whereabouts unless there is reason to believe
23 that notice would present imminent danger to the juvenile. If a juvenile who has
24 violated ~~the terms~~ a condition of aftercare supervision administered by the
25 department or a county department, a condition of the juvenile's placement in a Type

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1 2 secured correctional facility or a Type 2 child caring institution, or a condition of
2 the juvenile's participation in the intensive supervision program under s. 938.534 is
3 held in custody, the intake worker shall also notify the department or county
4 department, whichever has supervision over the juvenile, of the reasons for holding
5 the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the
6 detention hearing required under s. 938.21. The parent, guardian, and legal
7 custodian shall also be notified of the time and place of the detention hearing
8 required under s. 938.21, the nature and possible consequences of that hearing, and
9 the right to present and cross-examine witnesses at the hearing. If the parent,
10 guardian, or legal custodian is not immediately available, the intake worker or
11 another person designated by the court shall provide notice as soon as possible.
12 When the juvenile is alleged to have committed a delinquent act, the juvenile shall
13 receive the same notice about the detention hearing as the parent, guardian, or legal
14 custodian. The intake worker shall notify both the juvenile and the juvenile's parent,
15 guardian, or legal custodian.

16 **SECTION 3885.** 938.205 (1) (c) of the statutes is amended to read:

17 938.205 (1) (c) That the juvenile will run away or be taken away so as to be
18 unavailable for proceedings of the court or its officers ~~or~~, proceedings of the division
19 of hearings and appeals in the department of administration for revocation of
20 aftercare supervision, or action by the department or county department relating to
21 a violation of a condition of the juvenile's placement in a Type 2 secured correctional
22 facility or a Type 2 child caring institution or a condition of the juvenile's
23 participation in the intensive supervision program under s. 938.534.

24 **SECTION 3886.** 938.208 (1) (intro.) of the statutes is amended to read:

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1 938.208 (1) (intro.) Probable cause exists to believe that the juvenile has
2 committed a delinquent act and either presents a substantial risk of physical harm
3 to another person or a substantial risk of running away so as to be unavailable for
4 a court hearing ~~or~~, a revocation hearing for juveniles ~~on~~ of aftercare supervision
5 hearing, or action by the department relating to a violation of a condition of the
6 juvenile's placement in a Type 2 secured correctional facility or a Type 2 child caring
7 institution or a condition of the juvenile's participation in the intensive supervision
8 program under s. 938.534. For juveniles who have been adjudged delinquent, the
9 delinquent act referred to in this section may be the act for which the juvenile was
10 adjudged delinquent. If the intake worker determines that any of the following
11 conditions applies, the juvenile is considered to present a substantial risk of physical
12 harm to another person:

13 **SECTION 3887.** 938.21 (5) (b) of the statutes is renumbered 938.21 (5) (b) (intro.)
14 and amended to read:

15 938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of
16 his or her home shall also ~~describe~~ include all of the following:

17 1. A description of any efforts that were made to permit the juvenile to remain
18 at home and the services that are needed to ensure the juvenile's well-being, to
19 enable the juvenile to return safely to his or her home, and to involve the parents in
20 planning for the juvenile.

21 **SECTION 3888.** 938.21 (5) (b) 2. of the statutes is created to read:

22 938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a
23 placement recommended by the intake worker, a statement that the court approves
24 the placement recommended by the intake worker or, if the juvenile is placed outside
25 the home in a placement other than a placement recommended by the intake worker,

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1 a statement that the court has given bona fide consideration to the recommendations
2 made by the intake worker and all parties relating to the placement of the juvenile.

3 **SECTION 3889.** 938.237 (2) of the statutes is amended to read:

4 938.237 (2) The procedures for issuance and filing of a citation, and for
5 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.0113
6 [s. 66.0114], 778.25, 778.26, and 800.01 to 800.04 except s. 800.04 (2) (b), when the
7 citation is issued by a law enforcement officer, shall be used as appropriate, except
8 that this chapter shall govern taking and holding a juvenile in custody, s. 938.37 shall
9 govern costs, penalty assessments, law enforcement training fund assessments, and
10 jail assessments, and a capias shall be substituted for an arrest warrant. Sections
11 66.0113 (3) (c) and (d), 66.0317 (1) [s. 66.0114 (1)] and 778.10 as they relate to
12 collection of forfeitures do not apply.

13 **SECTION 3890.** 938.315 (1) (h) of the statutes is created to read:

14 938.315 (1) (h) Any period of delay resulting from the need to appoint a
15 qualified interpreter.

16 **SECTION 3891.** 938.33 (4) (intro.) of the statutes is amended to read:

17 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
18 placement in a foster home, treatment foster home, group home, or nonsecured child
19 caring institution or in the home of the juvenile's guardian under s. 48.977 (2) shall
20 be in writing, except that the report may be presented orally at the dispositional
21 hearing if all parties consent. A report that is presented orally shall be transcribed
22 and made a part of the court record. The report shall include all of the following:

23 **SECTION 3892.** 938.34 (4n) (intro.) of the statutes is amended to read:

24 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to ~~s. 938.532 (3)~~ and to any
25 arrangement between the department and a county department regarding the

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1 provision of aftercare supervision for juveniles who have been released from a
2 secured correctional facility, a secured child caring institution, or a secured group
3 home, designate one of the following to provide aftercare supervision for the juvenile
4 following the juvenile's release from the secured correctional facility, secured child
5 caring institution, or secured group home:

6 **SECTION 3893.** 938.34 (5m) of the statutes is amended to read:

7 938.34 (5m) COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to
8 participate in a youth corps program, as defined in s. ~~16.22~~ 106.22 (1) (dm), or
9 another community service work program, if the sponsor of the program approves
10 the juvenile's participation in the program.

11 **SECTION 3894.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185,
12 is amended to read:

13 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
14 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
15 maximum forfeiture that the court may impose under this subsection for a violation
16 by a juvenile is the maximum amount of the fine that may be imposed on an adult
17 for committing that violation or, if the violation is applicable only to a person under
18 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
19 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
20 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
21 other alternatives under this section, in accordance with the conditions specified in
22 this chapter; or the court may suspend any license issued under ch. 29 for not less
23 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~
24 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle,~~ may
25 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more

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1 than 2 years. If the court suspends any license under this subsection, the clerk of the
2 court shall immediately take possession of the suspended license and forward it to
3 the department which issued the license, together with a notice of suspension clearly
4 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
5 the forfeiture is paid during the period of suspension, the suspension shall be reduced
6 to the time period which has already elapsed and the court shall immediately notify
7 the department which shall then return the license to the juvenile. Any recovery
8 under this subsection shall be reduced by the amount recovered as a forfeiture for
9 the same act under s. 938.45 (1r) (b).

10 **SECTION 3895.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act
11 185, is amended to read:

12 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
13 be imposed on an adult for committing that violation or, if the violation is only
14 applicable to a person under 18 years of age, \$50. Any such order shall include a
15 finding that the juvenile alone is financially able to pay and shall allow up to 12
16 months for the payment. If a juvenile fails to pay the forfeiture, the court may
17 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~
18 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
19 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
20 more than 2 years. The court shall immediately take possession of the suspended
21 license and forward it to the department which issued the license, together with the
22 notice of suspension clearly stating that the suspension is for failure to pay a
23 forfeiture imposed by the court. If the forfeiture is paid during the period of
24 suspension, the court shall immediately notify the department, which will thereupon

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1 return the license to the person. Any recovery under this subsection shall be reduced
2 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

3 **SECTION 3896.** 938.345 (4) of the statutes is created to read:

4 938.345 (4) If the court finds that a juvenile is in need of protection or services
5 under s. 938.13 (4), the court, instead of or in addition to any other disposition
6 imposed under sub. (1), may place the juvenile in the home of the juvenile's guardian
7 under s. 48.977 (2).

8 **SECTION 3897.** 938.355 (2) (b) 6m. of the statutes is created to read:

9 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement
10 recommended by the agency designated under s. 938.33 (1), a statement that the
11 court approves the placement recommended by the agency or, if the juvenile is placed
12 outside the home in a placement other than a placement recommended by that
13 agency, a statement that the court has given bona fide consideration to the
14 recommendations made by the agency and all parties relating to the juvenile's
15 placement.

16 **SECTION 3898.** 938.355 (6d) (a) 4. of the statutes is created to read:

17 938.355 (6d) (a) 4. Subject to par. (d), subs. 1. and 2. do not preclude a juvenile
18 who has been adjudged delinquent and who has violated a condition specified in sub.
19 (2) (b) 7. from being taken into and held in custody under ss. 938.19 to 938.21.

20 **SECTION 3899.** 938.355 (6d) (b) 4. of the statutes is created to read:

21 938.355 (6d) (b) 4. Subject to par. (d), subs. 1. and 2. do not preclude a juvenile
22 who has violated a condition of aftercare supervision administered by a county
23 department from being taken into and held in custody under ss. 938.19 to 938.21.

24 **SECTION 3900.** 938.355 (6d) (c) 4. of the statutes is created to read:

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1 938.355 **(6d)** (c) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
2 who has been found to be in need of protection or services and who has violated a
3 condition specified in sub. (2) (b) 7. from being taken into and held in custody under
4 ss. 938.19 to 938.21.

5 **SECTION 3901.** 938.357 (2v) of the statutes is created to read:

6 938.357 **(2v)** If a hearing is held under sub. (1) or (2m) and the change in
7 placement would place the juvenile outside the home in a placement recommended
8 by the person or agency primarily responsible for implementing the dispositional
9 order, the change in placement order shall include a statement that the court
10 approves the placement recommended by the person or agency or, if the juvenile is
11 placed outside the home in a placement other than a placement recommended by that
12 person or agency, a statement that the court has given bona fide consideration to the
13 recommendations made by that person or agency and all parties relating to the
14 juvenile's placement.

15 **SECTION 3902.** 938.357 (4) (b) 2. of the statutes is amended to read:

16 938.357 **(4)** (b) 2. If a juvenile whom the court has placed in a Type 2 child
17 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
18 the Type 2 child caring institution, the child welfare agency operating the Type 2
19 child caring institution shall notify the county department that has supervision over
20 the juvenile and, if the county department agrees to a change in placement under this
21 subdivision, the child welfare agency shall notify the department and the
22 department, after consulting with the child welfare agency, may place the juvenile
23 in a Type 1 secured correctional facility under the supervision of the department,
24 without a hearing under sub. (1), for not more than 10 days. If a juvenile is placed
25 in a Type 1 secured correctional facility under this subdivision, the county

SENATE BILL 55**SECTION 3902**

1 department that has supervision over the juvenile shall reimburse the child welfare
2 agency operating the Type 2 child caring institution in which the juvenile was placed
3 at the rate established under s. 46.037, and that child welfare agency shall reimburse
4 the department at the rate specified in s. 301.26 (4) (d) ~~2., 3. or 4.~~ or 3., whichever is
5 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
6 correctional facility.

7 **SECTION 3903.** 938.357 (4) (d) of the statutes is repealed.

8 **SECTION 3904.** 938.37 (3) of the statutes is amended to read:

9 938.37 (3) Notwithstanding sub. (1), courts of civil and criminal jurisdiction
10 exercising jurisdiction under s. 938.17 may assess the same costs, penalty
11 assessments, law enforcement training fund assessments, and jail assessments
12 against juveniles as they may assess against adults, except that witness fees may not
13 be charged to the juvenile.

14 **SECTION 3905.** 938.38 (2) (intro.) of the statutes is amended to read:

15 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
16 for each juvenile living in a foster home, treatment foster home, group home, child
17 caring institution, secure detention facility, or shelter care facility or in the home of
18 a relative, the agency that placed the juvenile or arranged the placement or the
19 agency assigned primary responsibility for providing services to the juvenile under
20 s. 938.355 shall prepare a written permanency plan, if any of the following conditions
21 exists:

22 **SECTION 3906.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

23 938.38 (4) (f) (intro.) The services that will be provided to the juvenile, the
24 juvenile's family, and the juvenile's foster parent, the juvenile's treatment foster
25 parent ~~or~~, the operator of the facility where the juvenile is living, or the relative with

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1 whom the juvenile is living to carry out the dispositional order, including services
2 planned to accomplish all of the following:

3 **SECTION 3907.** 938.38 (5) (a) of the statutes is amended to read:

4 938.38 (5) (a) The court or a panel appointed under this paragraph shall review
5 the permanency plan every 6 months from the date on which the juvenile was first
6 held in physical custody or placed outside of his or her home under a court order. If
7 the court elects not to review the permanency plan, the court shall appoint a panel
8 to review the permanency plan. The panel shall consist of 3 persons who are either
9 designated by an independent agency that has been approved by the chief judge of
10 the judicial administrative district or designated by the agency that prepared the
11 permanency plan. A voting majority of persons on each panel shall be persons who
12 are not employed by the agency that prepared the permanency plan and who are not
13 responsible for providing services to the juvenile or the parents of the juvenile whose
14 permanency plan is the subject of the review.

15 **SECTION 3908.** 938.38 (5) (b) of the statutes is amended to read:

16 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
17 the juvenile if he or she is 10 years of age or older, and the juvenile's foster parent,
18 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the
19 juvenile is living, or the relative with whom the juvenile is living of the date, time,
20 and place of the review, of the issues to be determined as part of the review, and of
21 the fact that they may have an opportunity to be heard at the review by submitting
22 written comments not less than 10 working days before the review or by
23 participating at the review. The court or agency shall notify the person representing
24 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem
25 of the date of the review, of the issues to be determined as part of the review, and of

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1 the fact that they may submit written comments not less than 10 working days before
2 the review. The notices under this paragraph shall be provided in writing not less
3 than 30 days before the review and copies of the notices shall be filed in the juvenile's
4 case record.

5 **SECTION 3909.** 938.532 (title) of the statutes is repealed.

6 **SECTION 3910.** 938.532 (1) of the statutes is amended to read:

7 938.532 (1) PROGRAM. From the ~~appropriations~~ appropriation under s. 20.410
8 (3) ~~(bb)~~ and (hm), the department shall provide a juvenile boot camp program for
9 juveniles who have been placed under the supervision of the department under s.
10 938.183, 938.34 (4h) or (4m), or 938.357 (4).

11 **SECTION 3911.** 938.532 (1) of the statutes, as affected by 2001 Wisconsin Act
12 (this act), is repealed.

13 **SECTION 3912.** 938.532 (2) of the statutes is repealed.

14 **SECTION 3913.** 938.532 (3) of the statutes is repealed.

15 **SECTION 3914.** 938.533 (2) of the statutes is amended to read:

16 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
17 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve
18 an average daily population of 136 juveniles, or an average daily population of more
19 than 136 juveniles if the appropriation under s. 20.410 (3) (hr) is supplemented
20 under s. 13.101 or 16.515 and the positions for the program are increased under s.
21 13.101 or 16.505 (2) or if funding and positions to serve more than that average daily
22 population are otherwise available, in not less than 3 counties, including Milwaukee
23 County. The office of juvenile offender review in the department shall evaluate and
24 select for participation in the program juveniles who have been placed under the
25 supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4).

SENATE BILL 55**SECTION 3914**

1 The department shall place a program participant in the community, provide
2 intensive surveillance of that participant, and provide an average of not more than
3 \$3,000 per year per slot to purchase community-based treatment services for each
4 participant. The department shall make the intensive surveillance required under
5 this subsection available 24 hours a day, 7 days a week, and may purchase or provide
6 electronic monitoring for the intensive surveillance of program participants. The
7 department shall provide a report center in Milwaukee County to provide on-site
8 programming after school and in the evening for juveniles from Milwaukee County
9 who are placed in the corrective sanctions program. A contact worker providing
10 services under the program shall have a case load of approximately 10 juveniles and,
11 during the initial phase of placement in the community under the program of a
12 juvenile who is assigned to that contact worker, shall have not less than one
13 face-to-face contact per day with that juvenile. Case management services under
14 the program shall be provided by a corrective sanctions agent who shall have a case
15 load of approximately 15 juveniles. The department shall promulgate rules to
16 implement the program.

17 **SECTION 3915.** 938.533 (3) (a) of the statutes is amended to read:

18 938.533 (3) (a) A participant in the corrective sanctions program remains
19 under the supervision of the department, remains subject to the rules and discipline
20 of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
21 Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that
22 juvenile's participation in the corrective sanctions program the department may,
23 without a hearing, take the juvenile into custody and place the juvenile in a secured
24 detention facility or return the juvenile to placement in a Type 1 secured correctional
25 facility or a secured child caring institution. This paragraph does not preclude a

SENATE BILL 55**SECTION 3915**

1 juvenile who has violated a condition of the juvenile's participation in the corrective
2 sanctions program from being taken into and held in custody under ss. 938.19 to
3 938.21.

4 **SECTION 3916.** 938.534 (1) (b) 3m. of the statutes is created to read:

5 938.534 (1) (b) 3m. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
6 who has violated a condition of the juvenile's participation in the program from being
7 taken into and held in custody under ss. 938.19 to 938.21.

8 **SECTION 3917.** 938.538 (3) (a) 1. of the statutes is amended to read:

9 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured
10 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~
11 ~~years of age or over or 15 years of age or over and transferred under s. 938.357 (4)~~
12 ~~(d), a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years,~~
13 unless that period is extended under sub. (4m) (a) 1. or 2. or both.

14 **SECTION 3918.** 938.538 (3) (a) 1m. of the statutes is amended to read:

15 938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for
16 committing an act that would be a Class A felony if committed by an adult, placement
17 in a Type 1 secured correctional facility, or a secured child caring institution ~~or, if the~~
18 ~~participant is 17 years of age or over or 15 years of age or over and transferred under~~
19 ~~s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), until the participant~~
20 reaches 25 years of age, unless the participant is released sooner, subject to a
21 mandatory minimum period of confinement of not less than one year.

22 **SECTION 3919.** 938.538 (3) (a) 2. of the statutes is amended to read:

23 938.538 (3) (a) 2. Intensive or other field supervision, including corrective
24 sanctions supervision under s. 938.533, or aftercare supervision ~~or, if the participant~~
25 ~~is 17 years of age or over, intensive sanctions supervision under s. 301.048.~~

SENATE BILL 55**SECTION 3920**

1 **SECTION 3920.** 938.538 (3) (b) of the statutes is amended to read:

2 938.538 (3) (b) The department may provide the sanctions under par. (a) in any
3 order, may provide more than one sanction at a time ~~and~~, may return a participant
4 to a sanction that was used previously for ~~a~~ the participant, and, in returning a
5 participant to the sanction provided in par. (a) 1., may extend the period specified in
6 par. (a) 1. as provided in sub. (4m) (a) 1. or petition the court to extend that period
7 as provided in sub. (4m) (a) 2., or both. Notwithstanding ss. 938.357, 938.363, and
8 938.533 (3), but subject to sub. (4m) (a) 2., a participant is not entitled to a hearing
9 regarding the department's exercise of authority under this subsection unless the
10 department provides for a hearing by rule.

11 **SECTION 3921.** 938.538 (4) (a) of the statutes is amended to read:

12 938.538 (4) (a) A participant in the serious juvenile offender program is under
13 the supervision and control of the department, is subject to the rules and discipline
14 of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
15 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
16 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
17 secured correctional facility the department may, without a hearing, take the
18 participant into custody and return him or her to placement in a Type 1 secured
19 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~
20 ~~years of age or over, a Type 1 prison, as defined in s. 301.01 (5).~~ Any intentional
21 failure of a participant to remain within the extended limits of his or her placement
22 while participating in the serious juvenile offender program ~~or to return within the~~
23 ~~time prescribed by the administrator of the division of intensive sanctions in the~~
24 ~~department~~ is considered an escape under s. 946.42 (3) (c).

SENATE BILL 55**SECTION 3922**

1 **SECTION 3922.** 938.538 (4) (a) of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is amended to read:

3 938.538 (4) (a) A participant in the serious juvenile offender program is under
4 the supervision and control of the department, is subject to the rules and discipline
5 of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
6 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
7 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
8 secured correctional facility the department may, without a hearing, take the
9 participant into custody and return him or her to placement in a Type 1 secured
10 correctional facility or a secured child caring institution. Any intentional failure of
11 a participant to remain within the extended limits of his or her placement while
12 participating in the serious juvenile offender program is considered an escape under
13 s. 946.42 (3) (c). This paragraph does not preclude a juvenile who has violated a
14 condition of the juvenile's participation in the program under sub. (3) (a) 2. to 9. from
15 being taken into and held in custody under ss. 938.19 to 938.21.

16 **SECTION 3923.** 938.538 (4m) of the statutes is created to read:

17 938.538 (4m) EXTENSION OF TYPE 1 PLACEMENT PERIOD. (a) 1. The department
18 may extend the period for which a participant may be placed as described in sub. (3)
19 (a) 1. for an additional period of not more than 30 days. A participant is not entitled
20 to a hearing regarding the department's exercise of authority under this subdivision
21 unless the department provides for a hearing by rule.

22 2. The department or the district attorney of the county in which the
23 dispositional order was entered may petition the court to extend the period for which
24 a participant may be placed as described in sub. (3) (a) 1. for an additional period of
25 not more than 2 years. The petition shall set forth in detail facts showing that the

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1 participant is in need of the supervision, care, and rehabilitation that a placement
2 described in sub. (3) (a) 1. provides and that public safety considerations require that
3 the participant be placed in that placement. The court shall hold a hearing on the
4 petition, unless written waivers of objection to the extension are signed by all parties
5 entitled to receive notice and the court approves. If a hearing is held, the court shall
6 provide notice of the hearing, together with a copy of the petition, to the participant,
7 the participant's parent, guardian, and legal custodian, all parties bound by the
8 dispositional order, and the district attorney of the county in which the dispositional
9 order was entered at least 3 days prior to the hearing and, at the hearing, any of those
10 persons may present evidence relevant to the issue of extension and make
11 alternative placement recommendations. If the court finds by a preponderance of the
12 evidence that the participant is in need of the supervision, care, and rehabilitation
13 that a placement described in sub. (3) (a) 1. provides and that public safety
14 considerations require that the participant be placed in that placement, the court
15 may extend the period for which the participant may be placed as described in sub
16 (3) (a) 1. for an additional period of not more than 2 years.

17 3. An extension of a participant's placement under subd. 1. does not preclude
18 an extension of that participant's placement under subd. 2., and vice versa.

19 (b) By the first day of the 2nd month beginning after the effective date of this
20 paragraph [revisor inserts date], the department shall provide notice to all
21 participants in the serious juvenile offender program that a placement under sub.
22 (3) (a) 1. may be extended under par. (a) 1. or 2. or both. Notwithstanding par. (a) 1.
23 and 2. and sub. (3) (a) 1., the department may not extend, or petition the court to
24 extend, the placement under sub. (3) (a) 1. of a juvenile who is a participant in the
25 serious juvenile offender program on the effective date of this paragraph [revisor

SENATE BILL 55**SECTION 3923**

1 inserts date], based on acts committed by that participant prior to the date on which
2 the notice under this paragraph is given to that participant.

3 **SECTION 3924.** 938.538 (5) (c) of the statutes is amended to read:

4 938.538 (5) (c) Sections 938.357 and 938.363 do not apply to changes of
5 placement and revisions of orders for a juvenile who is a participant in the serious
6 juvenile offender program, ~~except that s. 938.357 (4) (d) applies to the transfer of a~~
7 ~~participant to the Racine youthful offender correctional facility named in s. 302.01.~~

8 **SECTION 3925.** 938.538 (6) of the statutes is amended to read:

9 938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract
10 with the department of health and family services, a county department, or any
11 public or private agency for the purchase of goods, care, and services for participants
12 in the serious juvenile offender program. The department of corrections shall
13 reimburse a person from whom it purchases goods, care, or services under this
14 subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom~~
15 ~~the goods, care or services are purchased is placed in a Type 1 prison, as defined s.~~
16 ~~301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the~~
17 ~~appropriate appropriation under s. 20.410 (1).~~

18 **SECTION 3926.** 938.539 (3) of the statutes is amended to read:

19 938.539 (3) Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a
20 Type 2 child caring institution under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2
21 secured correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his
22 or her placement in the Type 2 child caring institution or Type 2 secured correctional
23 facility, the juvenile may be placed in a Type 1 secured correctional facility as
24 provided in s. 938.357 (4) (b). This subsection does not preclude a juvenile who has
25 violated a condition of the juvenile's placement in a Type 2 secured correctional

SENATE BILL 55**SECTION 3926**

1 facility or a Type 2 child caring institution from being taken into and held in custody
2 under ss. 938.19 to 938.21.

3 **SECTION 3927.** 938.57 (1) (c) of the statutes is amended to read:

4 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
5 care, including providing services for juveniles and their families in their own homes,
6 placing the juveniles in licensed foster homes, licensed treatment foster homes, or
7 licensed group homes in this state or another state within a reasonable proximity to
8 the agency with legal custody, placing the juveniles in the homes of the juveniles'
9 guardians under s. 48.977 (2), or contracting for services for them by licensed child
10 welfare agencies or replacing them in secured correctional facilities, secured child
11 caring institutions, or secured group homes in accordance with rules promulgated
12 under ch. 227, except that the county department may not purchase the educational
13 component of private day treatment programs unless the county department, the
14 school board, as defined in s. 115.001 (7), and the state superintendent of public
15 instruction all determine that an appropriate public education program is not
16 available. Disputes between the county department and the school district shall be
17 resolved by the state superintendent of public instruction.

18 **SECTION 3928.** 938.57 (3) (a) 4. of the statutes is amended to read:

19 938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
20 or child caring institution or in the home of a subsidized guardian under s. 48.62 (5).

21 **SECTION 3929.** 938.992 (3) of the statutes is amended to read:

22 938.992 (3) Notwithstanding s. 938.991 (3) (b), "delinquent juvenile" does not
23 include a person subject to an order under s. 48.366 who is confined to a state prison
24 under s. 302.01 ~~or a person subject to an order under s. 938.34 (4h) who is 17 years~~
25 ~~of age or over.~~

SENATE BILL 55**SECTION 3930**

1 **SECTION 3930.** 939.32 (1) (title) of the statutes is created to read:

2 939.32 (1) (title) **GENERALLY.**

3 **SECTION 3931.** 939.32 (1m) of the statutes is created to read:

4 939.32 (1m) **BIFURCATED SENTENCES.** (a) Subject to s. 973.01 (2) (d), if the court
5 imposes a bifurcated sentence under s. 973.01 (1) for an attempt to commit a crime
6 that is punishable under sub. (1) (intro.), the following requirements apply:

7 1. If the completed crime is a classified felony, the maximum term of
8 confinement in prison is one-half of the maximum term of confinement in prison for
9 the classified felony.

10 2. If the completed crime is not a classified felony, the maximum term of
11 confinement is 75% of the maximum term of imprisonment under sub. (1) (intro.) for
12 an attempt to commit the crime.

13 (b) Subject to s. 973.01 (2) (d), the maximum term of confinement in prison
14 specified under par. (a) may be increased under s. 939.62 (1) or 961.48. If the
15 maximum term of confinement in prison specified in par. (a) is increased under this
16 paragraph, the maximum term of imprisonment under sub. (1) is increased by the
17 same amount.

18 **SECTION 3932.** 939.32 (2) (title) of the statutes is created to read:

19 939.32 (2) (title) **MISDEMEANOR COMPUTER CRIMES.**

20 **SECTION 3933.** 939.32 (3) (title) of the statutes is created to read:

21 939.32 (3) (title) **REQUIREMENTS.**

22 **SECTION 3934.** 939.74 (1) of the statutes is amended to read:

23 939.74 (1) Except as provided in sub. ~~subs.~~ (2), and (2d) and s. 946.88 (1),
24 prosecution for a felony must be commenced within 6 years and prosecution for a
25 misdemeanor or for adultery within 3 years after the commission thereof. Within the

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1 meaning of this section, a prosecution has commenced when a warrant or summons
2 is issued, an indictment is found, or an information is filed.

3 **SECTION 3935.** 939.74 (2) (c) of the statutes is amended to read:

4 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
5 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced
6 before the victim reaches the age of 31 years or be barred, except as provided in sub.
7 (2d) (c).

8 **SECTION 3936.** 939.74 (2d) of the statutes is created to read:

9 939.74 (2d) (a) In this subsection, “deoxyribonucleic acid profile” means any
10 analysis of deoxyribonucleic acid that results in the identification of an individual’s
11 patterned chemical structure of genetic information.

12 (b) If the state has evidence of a deoxyribonucleic acid profile of a person who
13 committed a violation of s. 940.225 (1) or (2), the evidence was collected before the
14 time limitation under sub. (1) expired, and comparisons of the evidence to
15 deoxyribonucleic acid profiles of known persons made before the time limitation
16 expired did not result in a probable identification of the person, the state may
17 commence prosecution of the person within 12 months after comparison of the
18 deoxyribonucleic evidence relating to the violation results in a probable
19 identification of the person.

20 (c) If the state has evidence of a deoxyribonucleic acid profile of a person who
21 committed a violation of s. 948.02 (1) or (2) or 948.025, the evidence was collected
22 before the time limitation under sub. (2) (c) expired, and comparisons of the evidence
23 to deoxyribonucleic acid profiles of known persons made before the time limits
24 expired did not result in a probable identification of the person, the state may
25 commence prosecution of the person within 12 months after comparison of the

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1 deoxyribonucleic evidence relating to the violation results in a probable
2 identification of the person.

3 **SECTION 3937.** 940.09 (1d) (a) of the statutes, as created by 1999 Wisconsin Act
4 109, is amended to read:

5 940.09 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)
6 or (d) has one or more prior convictions, suspensions or revocations, counting
7 convictions under this section and s. 940.09 (1) in the person's lifetime plus other
8 convictions, suspensions or revocations counted under s. 343.307 (1), the procedure
9 under s. 343.301 shall be followed if the court orders the the equipping of a motor
10 vehicle owned by the person with an ignition interlock device or the immobilization
11 of the motor vehicle.

12 **SECTION 3938.** 940.25 (1d) (a) of the statutes, as affected by 1999 Wisconsin Act
13 186, is amended to read:

14 940.25 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)
15 or (d) has one or more prior convictions, suspensions or revocations, counting
16 convictions under this section and s. 940.09 (1) in the person's lifetime plus other
17 convictions, suspensions or revocations counted under s. 343.307 (1), the procedure
18 under s. 343.301 shall be followed if the court orders the equipping of a motor vehicle
19 owned by the person with an ignition interlock device or the immobilization of the
20 motor vehicle.

21 **SECTION 3939.** 943.20 (1) (e) of the statutes is amended to read:

22 943.20 (1) (e) Intentionally fails to return any personal property which is in his
23 or her possession or under his or her control by virtue of a written lease or written
24 rental agreement, within 10 days after the lease or rental agreement has expired.
25 This paragraph does not apply to a person who returns personal property, except a

SENATE BILL 55**SECTION 3939**

1 motor vehicle, which is in his or her possession or under his or her control by virtue
2 of a written lease or written rental agreement, within 10 days after the lease or rental
3 agreement expires.

4 **SECTION 3940.** 943.70 (1) (a) of the statutes is renumbered 943.70 (1) (am).

5 **SECTION 3941.** 943.70 (1) (ag) of the statutes is created to read:

6 943.70 (1) (ag) "Access" means to instruct, communicate with, interact with,
7 intercept, store data in, retrieve data from, or otherwise use the resources of.

8 **SECTION 3942.** 943.70 (1) (gm) of the statutes is created to read:

9 943.70 (1) (gm) "Interruption in service" means inability to access a computer,
10 computer program, computer system, or computer network, or an inability to
11 complete a transaction involving a computer.

12 **SECTION 3943.** 943.70 (2) (a) (intro.) of the statutes is amended to read:

13 943.70 (2) (a) (intro.) Whoever ~~wilfully~~ willfully, knowingly and without
14 authorization does any of the following may be penalized as provided in ~~par.~~ pars. (b)
15 and (c):

16 **SECTION 3944.** 943.70 (2) (a) 3. of the statutes is amended to read:

17 943.70 (2) (a) 3. ~~Accesses data,~~ computer programs or supporting
18 documentation.

19 **SECTION 3945.** 943.70 (2) (am) of the statutes is created to read:

20 943.70 (2) (am) Whoever intentionally causes an interruption in service by
21 submitting a message, or multiple messages, to a computer, computer program,
22 computer system, or computer network that exceeds the processing capacity of the
23 computer, computer program, computer system, or computer network may be
24 penalized as provided in pars. (b) and (c).

25 **SECTION 3946.** 943.70 (2) (b) (intro.) of the statutes is amended to read:

SENATE BILL 55**SECTION 3946**

1 943.70 (2) (b) (intro.) Whoever violates ~~this subsection~~ par. (a) or (am) is guilty
2 of:

3 **SECTION 3947.** 943.70 (2) (b) 1. of the statutes is amended to read:

4 943.70 (2) (b) 1. A Class A misdemeanor unless ~~subd. any of subds. 2., 3. or to~~
5 4. applies.

6 **SECTION 3948.** 943.70 (2) (b) 3. of the statutes is amended to read:

7 943.70 (2) (b) 3. A Class ~~D~~ E felony if the offense results in damage is greater
8 valued at more than \$1,000 but not more than \$2,500 ~~or if it causes an interruption~~
9 ~~or impairment of governmental operations or public communication, of~~
10 ~~transportation or of a supply of water, gas or other public service.~~

11 **SECTION 3949.** 943.70 (2) (b) 3g. of the statutes is created to read:

12 943.70 (2) (b) 3g. A Class C felony if the offense results in damage valued at
13 more than \$2,500.

14 **SECTION 3950.** 943.70 (2) (b) 3r. of the statutes is created to read:

15 943.70 (2) (b) 3r. A Class C felony if the offense causes an interruption or
16 impairment of governmental operations or public communication, of transportation,
17 or of a supply of water, gas, or other public service.

18 **SECTION 3951.** 943.70 (2) (c) of the statutes is created to read:

19 943.70 (2) (c) If a person disguises the identity or location of the computer at
20 which he or she is working while committing an offense under par. (a) or (am) with
21 the intent to make it less likely that he or she will be identified with the crime, the
22 penalties under par. (b) may be increased as follows:

23 1. In the case of a misdemeanor, the maximum fine prescribed by law for the
24 crime may be increased by not more than \$1,000 and the maximum term of

SENATE BILL 55**SECTION 3951**

1 imprisonment prescribed by law for the crime may be increased so that the revised
2 maximum term of imprisonment is 12 months.

3 2. In the case of a felony, the maximum fine prescribed by law for the crime may
4 be increased by not more than \$2,500 and the maximum term of imprisonment
5 prescribed by law for the crime may be increased by not more than 2 years.

6 **SECTION 3952.** 944.205 (title) of the statutes is amended to read:

7 **944.205** (title) ~~Photographs, motion pictures, videotapes or other~~
8 ~~visual representations~~ **Recordings showing nudity.**

9 **SECTION 3953.** 944.205 (1) of the statutes is renumbered 944.205 (1) (intro.)
10 and amended to read:

11 944.205 (1) (intro.) In this section, “nudity”:

12 (b) “Nudity” has the meaning given in s. 948.11 (1) (d).

13 **SECTION 3954.** 944.205 (1) (a) of the statutes is created to read:

14 944.205 (1) (a) “Exhibit” has the meaning given in s. 948.01 (1d).

15 **SECTION 3955.** 944.205 (1) (c) of the statutes is created to read:

16 944.205 (1) (c) “Recording” has the meaning given in 948.01 (3r).

17 **SECTION 3956.** 944.205 (2) (a) of the statutes is amended to read:

18 944.205 (2) (a) ~~Takes a photograph or makes a motion picture, videotape or~~
19 ~~other visual representation or reproduction that depicts~~ Records an image of nudity
20 without the knowledge and consent of the person who is depicted nude while that
21 person is nude in a place and circumstance in which he or she has a reasonable
22 expectation of privacy, if the person recording the image knows or has reason to know
23 that the person who is depicted nude does not know of and consent to the ~~taking or~~
24 ~~making of the photograph, motion picture, videotape or other visual representation~~
25 ~~or reproduction~~ recording.

SENATE BILL 55**SECTION 3957**

1 **SECTION 3957.** 944.205 (2) (b) of the statutes is repealed and recreated to read:

2 944.205 (2) (b) Copies, possesses, exhibits, stores, or distributes a recording of
3 an image if all of the following apply:

4 1. The recording was done in violation of par. (a) or was previously copied in
5 violation of this paragraph.

6 2. The actor knows or has reason to know that the violation described under
7 subd. 1. has occurred.

8 3. The person depicted nude in the recording did not consent to the copying,
9 possession, exhibition, storage, or distribution of the recording under par. (b) (intro.).

10 4. The recording depicts the same nudity recorded in violation of par. (a).

11 **SECTION 3958.** 944.205 (3) of the statutes is amended to read:

12 944.205 (3) Notwithstanding sub. (2) (a) and (b), if the person depicted in a
13 photograph, motion picture, videotape or other visual representation or reproduction
14 recording of an image is a child and the making recording, copying, possession,
15 exhibition, storage, or distribution of the photograph, motion picture, videotape or
16 other visual representation or reproduction recording does not violate s. 948.05 or
17 948.12, a parent, guardian, or legal custodian of the child may do any of the following:

18 (a) Make and Record, copy, possess, exhibit, or store the photograph, motion
19 picture, videotape or other visual representation reproduction of the child recording.

20 (b) Distribute a photograph, motion picture, videotape or other visual
21 representation or reproduction made or recording that was recorded, copied,
22 possessed, exhibited, or stored under par. (a) if the distribution is not for commercial
23 purposes.

24 **SECTION 3959.** 944.205 (4) of the statutes is amended to read:

SENATE BILL 55**SECTION 3959**

1 944.205 (4) This section does not apply to a person who receives a ~~photograph,~~
2 ~~motion picture, videotape or other visual representation or reproduction of~~ recording
3 of an image depicting a child from a parent, guardian, or legal custodian of the child
4 under sub. (3) (b), if the possession ~~and, copying, exhibition, storage, or~~ distribution
5 are is not for commercial purposes.

6 **SECTION 3960.** 944.21 (2) (am) of the statutes is created to read:

7 944.21 (2) (am) “Exhibit” has the meaning given in s. 948.01 (1d).

8 **SECTION 3961.** 944.21 (2) (c) (intro.) of the statutes is amended to read:

9 944.21 (2) (c) (intro.) “Obscene material” means a writing, picture, ~~sound~~
10 ~~recording or film which, or other recording that:~~

11 **SECTION 3962.** 944.21 (2) (dm) of the statutes is created to read:

12 944.21 (2) (dm) “Recording” has the meaning given in s. 948.01 (3r).

13 **SECTION 3963.** 944.21 (3) (a) of the statutes is amended to read:

14 944.21 (3) (a) Imports, prints, sells, has in his or her possession for sale,
15 publishes, exhibits, plays, or transfers distributes any obscene material.

16 **SECTION 3964.** 944.21 (4) (a) and (b) of the statutes are amended to read:

17 944.21 (4) (a) ~~Transfers or~~ Distributes, exhibits, or plays any obscene material
18 to a person under the age of 18 years.

19 (b) Has in his or her possession with intent to ~~transfer or~~ distribute, exhibit,
20 or play to a person under the age of 18 years any obscene material.

21 **SECTION 3965.** 944.21 (9) of the statutes is amended to read:

22 944.21 (9) In determining whether material is obscene under sub. (2) (c) 1. and
23 3., a judge or jury shall examine individual pictures, recordings of images, or
24 passages in the context of the work in which they appear.

25 **SECTION 3966.** 944.25 of the statutes is created to read:

SENATE BILL 55**SECTION 3966****1 944.25 Sending obscene or sexually explicit electronic messages. (1)**

2 In this section:

3 (a) "Electronic mail solicitation" means an electronic mail message, including
4 any attached program or document, that is sent for the purpose of encouraging a
5 person to purchase property, goods, or services.

6 (b) "Obscene material" has the meaning given in s. 944.21 (2) (c).

7 (c) "Sexually explicit conduct" has the meaning given in s. 948.01 (7).

8 **(2)** Whoever sends an unsolicited electronic mail solicitation to a person that
9 contains obscene material or a depiction of sexually explicit conduct without
10 including the words "ADULT ADVERTISEMENT" in the subject line of the
11 electronic mail solicitation is guilty of a Class A misdemeanor.

12 **SECTION 3967.** 948.01 (1d) of the statutes is created to read:

13 948.01 **(1d)** "Exhibit," with respect to a recording of an image that is not
14 viewable in its recorded form, means to convert the recording of the image into a form
15 in which the image may be viewed.

16 **SECTION 3968.** 948.01 (3r) of the statutes is created to read:

17 948.01 **(3r)** "Recording" includes the creation of a reproduction of an image or
18 a sound or the storage of data representing an image or a sound.

19 **SECTION 3969.** 948.05 (1) (a) of the statutes is amended to read:

20 948.05 **(1)** (a) Employs, uses, persuades, induces, entices, or coerces any child
21 to engage in sexually explicit conduct for the purpose of ~~photographing, filming,~~
22 ~~videotaping,~~ recording the sounds of or displaying in any way the conduct.

23 **SECTION 3970.** 948.05 (1) (b) of the statutes is amended to read:

24 948.05 **(1)** (b) ~~Photographs, films, videotapes, records the sounds of~~ Records or
25 displays in any way a child engaged in sexually explicit conduct.

SENATE BILL 55**SECTION 3971**

1 **SECTION 3971.** 948.05 (1m) of the statutes is amended to read:

2 948.05 **(1m)** Whoever produces, performs in, profits from, promotes, imports
3 into the state, reproduces, advertises, sells, distributes, or possesses with intent to
4 sell or distribute, any undeveloped film, ~~photographic negative, photograph, motion~~
5 ~~picture, videotape, sound recording or other reproduction~~ of a child engaging in
6 sexually explicit conduct is guilty of a Class C felony if the person knows the
7 character and content of the sexually explicit conduct involving the child and if the
8 person knows or reasonably should know that the child engaging in the sexually
9 explicit conduct has not attained the age of 18 years.

10 **SECTION 3972.** 948.07 (4) of the statutes is amended to read:

11 948.07 **(4)** ~~Taking a picture or making an audio recording of~~ Recording the child
12 engaging in sexually explicit conduct.

13 **SECTION 3973.** 948.11 (1) (ar) 2. of the statutes is amended to read:

14 948.11 **(1)** (ar) 2. Any book, pamphlet, magazine, printed matter however
15 reproduced or ~~sound~~ recording that contains any matter enumerated in subd. 1., or
16 explicit and detailed verbal descriptions or narrative accounts of sexual excitement,
17 sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and
18 that, taken as a whole, is harmful to children.

19 **SECTION 3974.** 948.11 (1) (bm) of the statutes is repealed.

20 **SECTION 3975.** 948.11 (1) (c) of the statutes is repealed.

21 **SECTION 3976.** 948.11 (2) (a) of the statutes is renumbered 948.11 (2) (a) (intro.)
22 and amended to read:

23 948.11 **(2)** (a) (intro.) Whoever, with knowledge of the ~~nature the character and~~
24 content of the material, sells, rents, exhibits, ~~transfers~~ plays, distributes, or loans to

SENATE BILL 55**SECTION 3976**

1 a child any harmful material, with or without monetary consideration, is guilty of a
2 Class E felony. if any of the following applies:

3 **SECTION 3977.** 948.11 (2) (a) 1. and 2. of the statutes are created to read:

4 948.11 (2) (a) 1. The person knows or reasonably should know that the child
5 has not attained the age of 18 years.

6 2. The person has face-to-face contact with the child before or during the sale,
7 rental, exhibit, playing, distribution, or loan.

8 **SECTION 3978.** 948.11 (2) (am) of the statutes is renumbered 948.11 (2) (am)
9 (intro.) and amended to read:

10 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with
11 knowledge of the nature character and content of the description or narrative
12 account, verbally communicates, by any means, a harmful description or narrative
13 account to a child, with or without monetary consideration, is guilty of a Class E
14 felony. if any of the following applies:

15 **SECTION 3979.** 948.11 (2) (am) 1. and 2. of the statutes are created to read:

16 948.11 (2) (am) 1. The person knows or reasonably should know that the child
17 has not attained the age of 18 years.

18 2. The person has face-to-face contact with the child before or during the
19 communication.

20 **SECTION 3980.** 948.11 (2) (b) of the statutes is renumbered 948.11 (2) (b) (intro.)
21 and amended to read:

22 948.11 (2) (b) (intro.) Whoever, with knowledge of the nature character and
23 content of the material, possesses harmful material with the intent to sell, rent,
24 exhibit, transfer play, distribute, or loan the material to a child is guilty of a Class A
25 misdemeanor. if any of the following applies:

SENATE BILL 55**SECTION 3981**

1 **SECTION 3981.** 948.11 (2) (b) 1. and 2. of the statutes are created to read:

2 948.11 (2) (b) 1. The person knows or reasonably should know that the child
3 has not attained the age of 18 years.

4 2. The person has face-to-face contact with the child.

5 **SECTION 3982.** 948.11 (2) (c) of the statutes is amended to read:

6 948.11 (2) (c) It is an affirmative defense to a prosecution for a violation of this
7 ~~section pars. (a) 2., (am) 2., and (b) 2.~~ if the defendant had reasonable cause to believe
8 that the child had attained the age of 18 years, and the child exhibited to the
9 defendant a draft card, driver's license, birth certificate or other official or
10 apparently official document purporting to establish that the child had attained the
11 age of 18 years. A defendant who raises this affirmative defense has the burden of
12 proving this defense by a preponderance of the evidence.

13 **SECTION 3983.** 948.12 of the statutes is renumbered 948.12 (1m), and 948.12
14 (1m) (intro.) and (b), as renumbered, are amended to read:

15 948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic
16 negative, photograph, motion picture, videotape, or other pictorial reproduction, or
17 audio recording of a child engaged in sexually explicit conduct under all of the
18 following circumstances is guilty of a Class E felony:

19 (b) The person knows the character and content of the sexually explicit conduct
20 ~~shown~~ in the material.

21 **SECTION 3984.** 948.12 (2m) of the statutes is created to read:

22 948.12 (2m) Whoever exhibits or plays a recording of a child engaged in
23 sexually explicit conduct, if all of the following apply, is guilty of a Class E felony:

24 (a) The person knows that he or she has exhibited or played the recording.

SENATE BILL 55**SECTION 3984**

1 (b) Before the person exhibited or played the recording, he or she knew the
2 character and content of the sexually explicit conduct.

3 (c) Before the person exhibited or played the recording, he or she knew or
4 reasonably should have known that the child engaged in sexually explicit conduct
5 had not attained the age of 18 years.

6 **SECTION 3985.** 961.14 (7) (p) of the statutes is created to read:

7 961.14 (7) (p) 4-methylthioamphetamine, commonly known as "4-MTA."

8 **SECTION 3986.** 961.41 (1) (b) of the statutes is amended to read:

9 961.41 (1) (b) Except as provided in pars. (cm) and (e) to ~~(h)~~ (hm), any other
10 controlled substance included in schedule I, II or III, or a controlled substance analog
11 of any other controlled substance included in schedule I or II, may be fined not more
12 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

13 **SECTION 3987.** 961.41 (1) (hm) of the statutes is created to read:

14 961.41 (1) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,
15 3,4-methylenedioxyamphetamine,
16 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
17 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
18 gamma-butyrolactone, 3,4-methylenedioxyamphetamine,
19 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
20 subject to the following penalties if the amount manufactured, distributed, or
21 delivered is:

22 1. Three grams or less, the person shall be fined not less than \$1,000 nor more
23 than \$200,000 and may be imprisoned for not more than 7 years and 6 months.

SENATE BILL 55**SECTION 3987**

1 2. More than 3 grams but not more than 10 grams, the person shall be fined
2 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
3 6 months nor more than 7 years and 6 months.

4 3. More than 10 grams but not more than 50 grams, the person shall be fined
5 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
6 one year nor more than 22 years and 6 months.

7 4. More than 50 grams but not more than 200 grams, the person shall be fined
8 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
9 3 years nor more than 22 years and 6 months.

10 5. More than 200 grams but not more than 400 grams, the person shall be fined
11 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
12 5 years nor more than 22 years and 6 months.

13 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
14 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
15 years.

16 **SECTION 3988.** 961.41 (1) (im) of the statutes is renumbered 961.41 (1) (im)
17 (intro.) and amended to read:

18 961.41 (1) (im) (intro.) Flunitrazepam, ~~may be fined not more than \$15,000 or~~
19 ~~imprisoned for not more than 7 years and 6 months or both.~~ is subject to the following
20 penalties if the amount manufactured, distributed, or delivered is:

21 **SECTION 3989.** 961.41 (1) (im) 1. to 6. of the statutes are created to read:

22 961.41 (1) (im) 1. Three grams or less, the person shall be fined not less than
23 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
24 6 months.

SENATE BILL 55**SECTION 3989**

1 2. More than 3 grams but not more than 10 grams, the person shall be fined
2 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
3 6 months nor more than 7 years and 6 months.

4 3. More than 10 grams but not more than 50 grams, the person shall be fined
5 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
6 one year nor more than 22 years and 6 months.

7 4. More than 50 grams but not more than 200 grams, the person shall be fined
8 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
9 3 years nor more than 22 years and 6 months.

10 5. More than 200 grams but not more than 400 grams, the person shall be fined
11 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
12 5 years nor more than 22 years and 6 months.

13 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
14 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
15 years.

16 **SECTION 3990.** 961.41 (1m) (b) of the statutes is amended to read:

17 961.41 **(1m)** (b) Except as provided in pars. (cm) and (e) to ~~(h)~~ (hm), any other
18 controlled substance included in schedule I, II or III, or a controlled substance analog
19 of any other controlled substance included in schedule I or II, may be fined not more
20 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

21 **SECTION 3991.** 961.41 (1m) (hm) of the statutes is created to read:

22 961.41 **(1m)** (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,
23 3,4-methylenedioxymethamphetamine
24 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
25 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,

SENATE BILL 55**SECTION 3992**

1 following penalties if the amount possessed, with intent to manufacture, distribute,
2 or deliver, is:

3 **SECTION 3993.** 961.41 (1m) (im) 1. to 6. of the statutes are created to read:

4 961.41 **(1m)** (im) 1. Three grams or less, the person shall be fined not less than
5 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
6 6 months.

7 2. More than 3 grams but not more than 10 grams, the person shall be fined
8 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
9 6 months nor more than 7 years and 6 months.

10 3. More than 10 grams but not more than 50 grams, the person shall be fined
11 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
12 one year nor more than 22 years and 6 months.

13 4. More than 50 grams but not more than 200 grams, the person shall be fined
14 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
15 3 years nor more than 22 years and 6 months.

16 5. More than 200 grams but not more than 400 grams, the person shall be fined
17 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
18 5 years nor more than 22 years and 6 months.

19 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
20 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
21 years.

22 **SECTION 3994.** 961.41 (2) (b) of the statutes is amended to read:

23 961.41 **(2)** (b) ~~Any other~~ Except as provided in pars. (a) and (bm), any
24 counterfeit substance included in schedule I, II or III, may be fined not more than
25 \$15,000 or imprisoned for not more than 7 years and 6 months or both.

SENATE BILL 55**SECTION 3998**

1 using the procedure provided in subs. (7) and (8) and may admit the videotaped
2 deposition into evidence without an additional hearing under s. 908.08.

3 **SECTION 3999.** 971.14 (2) (d) of the statutes is amended to read:

4 971.14 (2) (d) If the court orders that the examination be conducted on an
5 inpatient basis, ~~it shall arrange for the transportation of the sheriff of the defendant's~~
6 county of residence shall transport any defendant not free on bail to the examining
7 facility within a reasonable time after the examination is ordered and ~~for~~ shall
8 transport the defendant ~~to be returned~~ to the jail within a reasonable time after
9 receiving the sheriff and county department of community programs of the
10 defendant's county of residence receive notice from the examining facility that the
11 examination has been completed.

12 **SECTION 4000.** 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and
13 amended to read:

14 971.17 (1) (a) Felonies committed before the effective date of this paragraph
15 [revisor inserts date]. ~~When~~ Except as provided in par. (c), when a defendant is found
16 not guilty by reason of mental disease or mental defect of a felony committed before
17 the effective date of this paragraph [revisor inserts date], the court shall commit
18 the person to the department of health and family services for a specified period not
19 exceeding two-thirds of the maximum term of imprisonment that could be imposed
20 ~~under s. 973.15 (2) (a)~~ against an offender convicted of the same ~~crime or crimes~~
21 felony, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or (3m),~~
22 ~~939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)~~
23 ~~and 961.48~~ and other any applicable penalty enhancement statutes, as applicable,
24 subject to the credit provisions of s. 973.155.

SENATE BILL 55**SECTION 4000**

1 (c) Felonies punishable by life imprisonment. If the ~~maximum term of~~
2 imprisonment is a defendant is found not guilty by reason of mental disease or
3 mental defect of a felony that is punishable by life imprisonment, the commitment
4 period specified by the court may be life, subject to termination under sub. (5).

5 **SECTION 4001.** 971.17 (1) (b) of the statutes is created to read:

6 971.17 (1) (b) *Crimes committed on or after the effective date of this paragraph*
7 *.... [revisor inserts date] for which a bifurcated sentence may be imposed.* When a
8 defendant is found not guilty by reason of mental disease or mental defect of a crime
9 committed on or after the effective date of this paragraph [revisor inserts date],
10 and the crime is one for which a court may impose a bifurcated sentence under s.
11 973.01, the court shall commit the person to the department of health and family
12 services for a specified period not exceeding the maximum term of confinement in
13 prison that could be imposed on an offender convicted of the same crime, including
14 imprisonment authorized by any applicable penalty enhancement statutes, subject
15 to the credit provisions of s. 973.155.

16 **SECTION 4002.** 971.17 (1) (d) of the statutes is created to read:

17 971.17 (1) (d) *Misdemeanors for which a bifurcated sentence may not be*
18 *imposed.* When a defendant is found not guilty by reason of mental disease or mental
19 defect of one of the following misdemeanors, the court shall commit the person to the
20 department of health and family services for a specified period not exceeding
21 two-thirds of the maximum term of imprisonment that could be imposed against an
22 offender convicted of the same misdemeanor, including imprisonment authorized by
23 any applicable penalty enhancement statutes, subject to the credit provisions of s.
24 973.155:

SENATE BILL 55**SECTION 4002**

1 1. A misdemeanor committed before the effective date of this subdivision ...
2 [revisor inserts date].

3 2. A misdemeanor committed on or after the effective date of this subdivision
4 [revisor inserts date], for which a court may not impose a bifurcated sentence
5 under s. 973.01.

6 **SECTION 4003.** 971.23 (10) of the statutes is amended to read:

7 971.23 (10) PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT
8 DEFENDANTS. When the state public defender or a private attorney appointed under
9 s. 977.08 requests photocopies of any item that is discoverable under this section, the
10 state public defender shall pay any fee charged for the photocopies from the
11 appropriation under s. 20.550 (1) ~~(a)~~ (f). If the person providing photocopies under
12 this section charges the state public defender a fee for the photocopies, the fee may
13 not exceed the actual, necessary and direct cost of photocopying.

14 **SECTION 4004.** 972.15 (2c) of the statutes is amended to read:

15 972.15 (2c) If the defendant is subject to being sentenced under s. 973.01 and
16 he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing
17 the presentence investigation report shall include in the report a recommendation
18 as to whether the defendant should be eligible for the challenge incarceration
19 program under s. 302.045.

20 **SECTION 4005.** 973.01 (1) of the statutes is amended to read:

21 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
22 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
23 for a felony committed on or after December 31, 1999, or a misdemeanor committed
24 on or after the effective date of this subsection ... [revisor inserts date], the court

SENATE BILL 55**SECTION 4005**

1 shall impose a bifurcated sentence that consists of a term of confinement in prison
2 followed by a term of extended supervision under s. 302.113.

3 **SECTION 4006.** 973.01 (2) (intro.) of the statutes is amended to read:

4 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
5 ~~that~~ An order imposing a bifurcated sentence imposed under sub. (1) complies shall
6 comply with all of the following:

7 **SECTION 4007.** 973.01 (2) (a) of the statutes is amended to read:

8 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
9 the total length of the bifurcated sentence may not exceed the maximum period of
10 imprisonment for the felony crime.

11 **SECTION 4008.** 973.01 (2) (b) (intro.) of the statutes is amended to read:

12 973.01 (2) (b) *Imprisonment Confinement portion of bifurcated sentence.*
13 (intro.) The portion of the bifurcated sentence that imposes a term of confinement
14 in prison may not be less than one year, subject to any minimum sentence prescribed
15 for the felony crime, and, except as provided in par. (c), ~~may not exceed~~ is subject to
16 whichever of the following limits is applicable:

17 **SECTION 4009.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 6.
18 (intro.) and amended to read:

19 973.01 (2) (b) 6. (intro.) For any felony crime other than a ~~felony specified in~~
20 ~~subds. 1. to 5.~~ one of the following, the term of confinement in prison may not exceed
21 75% of the total length of the bifurcated sentence.;

22 **SECTION 4010.** 973.01 (2) (b) 6. a. and b. of the statutes are created to read:

23 973.01 (2) (b) 6. a. A felony specified in subds. 1. to 5.

24 b. An attempt to commit a classified felony if the attempt is punishable under
25 s. 939.32 (1) (intro.).

SENATE BILL 55**SECTION 4011**

1 **SECTION 4011.** 973.01 (2) (d) of the statutes is amended to read:

2 973.01 (2) (d) *Minimum term of extended supervision.* The term of extended
3 supervision ~~that follows the term of confinement in prison~~ may not be less than 25%
4 of the length of the term of confinement in prison imposed under par. (b).

5 **SECTION 4012.** 973.01 (4) of the statutes is amended to read:

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

11 **SECTION 4013.** 973.01 (6) of the statutes is amended to read:

12 973.01 (6) NO PAROLE. A person serving a bifurcated sentence imposed under
13 sub. (1) is not eligible for release on parole under that sentence.

14 **SECTION 4014.** 973.013 (3m) of the statutes is amended to read:

15 973.013 (3m) If a person who has not attained the age of ~~16~~ 15 years is
16 sentenced to the Wisconsin state prisons, the department of corrections shall place
17 the person at a secured juvenile correctional facility or a secured child caring
18 institution, unless the department of corrections determines that placement in an
19 institution under s. 302.01 is appropriate based on the person's prior record of
20 adjustment in a correctional setting, if any; the person's present and potential
21 vocational and educational needs, interests, and abilities; the adequacy and
22 suitability of available facilities; the services and procedures available for treatment
23 of the person within the various institutions; the protection of the public; and any
24 other considerations promulgated by the department of corrections by rule. This
25 subsection does not preclude the department of corrections from designating an

SENATE BILL 55**SECTION 4014**

1 adult correctional institution as a reception center for the person and subsequently
2 transferring the person to a secured juvenile correctional facility or a secured child
3 caring institution. Section 302.11 and ch. 304 apply to all persons placed in a secured
4 juvenile correctional facility or a secured child caring institution under this
5 subsection.

6 **SECTION 4015.** 973.05 (1) of the statutes is amended to read:

7 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
8 permission for the payment of the fine, of the penalty assessment imposed by s.
9 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the
10 jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance
11 surcharge under s. 973.045, the crime laboratories and drug law enforcement
12 assessment imposed by s. 165.755, any applicable deoxyribonucleic acid analysis
13 surcharge under s. 973.046, any applicable drug abuse program improvement
14 surcharge imposed by s. 961.41 (5), any applicable consumer ~~information~~ protection
15 assessment imposed by s. 100.261, any applicable domestic abuse assessment
16 imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement
17 surcharge imposed by s. 346.655, any applicable enforcement assessment imposed
18 by s. 253.06 (4) (c), any applicable weapons assessment imposed by s. 167.31, any
19 applicable uninsured employer assessment imposed by s. 102.85 (4), any applicable
20 environmental assessment imposed by s. 299.93, any applicable wild animal
21 protection assessment imposed by s. 29.983, any applicable natural resources
22 assessment imposed by s. 29.987, and any applicable natural resources restitution
23 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
24 no such permission is embodied in the sentence, the fine, the penalty assessment, the
25 law enforcement training fund assessment, the jail assessment, the crime victim and

SENATE BILL 55**SECTION 4015**

1 witness assistance surcharge, the crime laboratories and drug law enforcement
2 assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable
3 drug abuse program improvement surcharge, any applicable consumer ~~information~~
4 protection assessment, any applicable domestic abuse assessment, any applicable
5 driver improvement surcharge, any applicable enforcement assessment, any
6 applicable weapons assessment, any applicable uninsured employer assessment,
7 any applicable environmental assessment, any applicable wild animal protection
8 assessment, any applicable natural resources assessment, and any applicable
9 natural resources restitution payment shall be payable immediately.

10 **SECTION 4016.** 973.05 (2) of the statutes is amended to read:

11 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
12 probation, the court may make the payment of the fine, the penalty assessment, the
13 law enforcement training fund assessment, the jail assessment, the crime victim and
14 witness assistance surcharge, the crime laboratories and drug law enforcement
15 assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable
16 drug abuse program improvement surcharge, any applicable consumer ~~information~~
17 protection assessment, any applicable domestic abuse assessment, any applicable
18 uninsured employer assessment, any applicable driver improvement surcharge, any
19 applicable enforcement assessment under s. 253.06 (4) (c), any applicable weapons
20 assessment, any applicable environmental assessment, any applicable wild animal
21 protection assessment, any applicable natural resources assessment, and any
22 applicable natural resources restitution payments a condition of probation. When
23 the payments are made a condition of probation by the court, payments thereon shall
24 be applied first to payment of the penalty assessment until paid in full, shall then
25 be applied to the law enforcement training fund assessment until paid in full, shall

SENATE BILL 55**SECTION 4016**

1 then be applied to the payment of the jail assessment until paid in full, shall then be
2 applied to the payment of part A of the crime victim and witness assistance surcharge
3 until paid in full, shall then be applied to part B of the crime victim and witness
4 assistance surcharge until paid in full, shall then be applied to the crime laboratories
5 and drug law enforcement assessment until paid in full, shall then be applied to the
6 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to
7 the drug abuse improvement surcharge until paid in full, shall then be applied to
8 payment of the driver improvement surcharge until paid in full, shall then be applied
9 to payment of the domestic abuse assessment until paid in full, shall then be applied
10 to payment of the consumer ~~information~~ protection assessment until paid in full,
11 shall then be applied to payment of the natural resources assessment if applicable
12 until paid in full, shall then be applied to payment of the natural resources
13 restitution payment until paid in full, shall then be applied to the payment of the
14 environmental assessment if applicable until paid in full, shall then be applied to the
15 payment of the wild animal protection assessment if applicable until paid in full,
16 shall then be applied to payment of the weapons assessment until paid in full, shall
17 then be applied to payment of the uninsured employer assessment until paid in full,
18 shall then be applied to payment of the enforcement assessment under s. 253.06 (4)
19 (c), if applicable, until paid in full, and shall then be applied to payment of the fine.

20 **SECTION 4017.** 973.055 (2) (b) of the statutes is amended to read:

21 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
22 determination by the court of the amount due, the court shall collect and transmit
23 the amount to the treasurer of the county, city, town, or village, and that treasurer
24 shall make payment to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

25 **SECTION 4018.** 973.07 of the statutes is amended to read:

SENATE BILL 55**SECTION 4018**

1 **973.07 Failure to pay fine or costs or to comply with certain**
2 **community service work.** If the fine, costs, penalty assessment, law enforcement
3 training fund assessment, jail assessment, crime victim and witness assistance
4 surcharge, crime laboratories and drug law enforcement assessment, applicable
5 deoxyribonucleic acid analysis surcharge, applicable drug abuse program
6 improvement surcharge, applicable consumer ~~information~~ protection assessment,
7 applicable domestic abuse assessment, applicable driver improvement surcharge,
8 applicable enforcement assessment under s. 253.06 (4) (c), applicable weapons
9 assessment, applicable uninsured employer assessment, applicable environmental
10 assessment, applicable wild animal protection assessment, applicable natural
11 resources assessment, and applicable natural resources restitution payments are
12 not paid or community service work under s. 943.017 (3) is not completed as required
13 by the sentence, the defendant may be committed to the county jail until the fine,
14 costs, penalty assessment, law enforcement training fund assessment, jail
15 assessment, crime victim and witness assistance surcharge, crime laboratories and
16 drug law enforcement assessment, applicable deoxyribonucleic acid analysis
17 surcharge, applicable drug abuse program improvement surcharge, applicable
18 consumer ~~information~~ protection assessment, applicable domestic abuse
19 assessment, applicable driver improvement surcharge, applicable enforcement
20 assessment under s. 253.06 (4) (c), applicable weapons assessment, applicable
21 uninsured employer assessment, applicable environmental assessment, applicable
22 wild animal protection assessment, applicable natural resources assessment or
23 applicable natural resources restitution payments are paid or discharged, or the
24 community service work under s. 943.017 (3) is completed, for a period fixed by the
25 court not to exceed 6 months.

SENATE BILL 55**SECTION 4019**

1 **SECTION 4019.** 973.09 (1) (a) of the statutes is amended to read:

2 973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a
3 particular offense by statute, if a person is convicted of a crime, the court, by order,
4 may withhold sentence or impose sentence under s. 973.15 and stay its execution,
5 and in either case place the person on probation to the department for a stated period,
6 stating in the order the reasons therefor. The court may impose any conditions which
7 appear to be reasonable and appropriate. The period of probation may be made
8 consecutive to a sentence on a different charge, whether imposed at the same time
9 or previously. If the court imposes an increased term of probation, as authorized
10 under sub. (2) ~~(a)~~ (am) 2. or (b) 2., it shall place its reasons for doing so on the record.

11 **SECTION 4020.** 973.09 (2) (intro.) and (a) 1. of the statutes are consolidated,
12 renumbered 973.09 (2) (am) 1. and amended to read:

13 973.09 (2) (am) 1. The Subject to subd. 2., the original term of probation for an
14 indeterminate sentence misdemeanor shall be: ~~(a) 1. Except as provided in subd. 2.,~~
15 ~~for misdemeanors,~~ not less than 6 months nor more than 2 years.

16 **SECTION 4021.** 973.09 (2) (a) 2. of the statutes is renumbered 973.09 (2) (am)
17 2. and amended to read:

18 973.09 (2) (am) 2. If the probationer is convicted of not less than 2 nor more than
19 4 indeterminate sentence misdemeanors at the same time, the maximum original
20 term of probation may be increased by one year. If the probationer is convicted of 5
21 or more indeterminate sentence misdemeanors at the same time, the maximum
22 original term of probation may be increased by 2 years.

23 **SECTION 4022.** 973.09 (2) (ag) of the statutes is created to read:

24 973.09 (2) (ag) *Definitions.* In this subsection:

SENATE BILL 55**SECTION 4022**

1 1. “Bifurcated sentence misdemeanor” means a misdemeanor committed on or
2 after the effective date of this subdivision [revisor inserts date], for which a court
3 may impose a bifurcated sentence under s. 973.01.

4 2. “Indeterminate sentence misdemeanor” means a misdemeanor other than
5 a bifurcated sentence misdemeanor.

6 **SECTION 4023.** 973.09 (2) (am) (title) of the statutes is created to read:

7 973.09 (2) (am) (title) *Misdemeanors for which a bifurcated sentence may not*
8 *be imposed.*

9 **SECTION 4024.** 973.09 (2) (b) (title) of the statutes is created to read:

10 973.09 (2) (b) (title) *Crimes for which a bifurcated sentence may be imposed.*

11 **SECTION 4025.** 973.09 (2) (b) 1. of the statutes is amended to read:

12 973.09 (2) (b) 1. ~~Except as provided in Subject to subd. 2., the original term of~~
13 ~~probation for felonies, and bifurcated sentence misdemeanors shall be not less than~~
14 ~~one year nor more than either the statutory maximum term of imprisonment~~
15 ~~confinement in prison for the crime or 3 years, whichever is greater.~~

16 **SECTION 4026.** 973.09 (2) (b) 2. of the statutes is amended to read:

17 973.09 (2) (b) 2. If the probationer is convicted of 2 or more crimes, including
18 at least one felony or bifurcated sentence misdemeanor, at the same time, the
19 maximum original term of probation may be increased by one year for each felony
20 conviction for a felony or a bifurcated sentence misdemeanor.

21 **SECTION 4027.** 973.15 (2m) of the statutes is created to read:

22 973.15 (2m) (a) *Definitions.* In this subsection:

23 1. “Determinate sentence” means a bifurcated sentence imposed under s.
24 973.01 or a life sentence under which a person is eligible for release to extended
25 supervision under s. 973.014 (1g) (a) 1. or 2.

SENATE BILL 55**SECTION 4027**

1 2. "Indeterminate sentence" means a sentence to the Wisconsin state prisons
2 other than one of the following:

3 a. A determinate sentence.

4 b. A sentence under which the person is not eligible for release on parole under
5 s. 939.62 (2m) (c) or 973.014 (1) (c).

6 3. "Period of confinement in prison," with respect to any sentence to the
7 Wisconsin state prisons, means any time during which a person is incarcerated
8 under that sentence, including any extensions imposed under s. 302.11 (3), 302.113
9 (3), or 302.114 (3) and any period of confinement in prison required to be served under
10 s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

11 (b) *Determinate sentences imposed to run concurrent with or consecutive to*
12 *determinate sentences.* 1. If a court provides that a determinate sentence is to run
13 concurrent with another determinate sentence, the person sentenced shall serve the
14 periods of confinement in prison under the sentences concurrently and the terms of
15 extended supervision under the sentences concurrently.

16 2. If a court provides that a determinate sentence is to run consecutive to
17 another determinate sentence, the person sentenced shall serve the periods of
18 confinement in prison under the sentences consecutively and the terms of extended
19 supervision under the sentences consecutively and in the order in which the
20 sentences have been pronounced.

21 (c) *Determinate sentences imposed to run concurrent with or consecutive to*
22 *indeterminate sentences.* 1. If a court provides that a determinate sentence is to run
23 concurrent with an indeterminate sentence, the person sentenced shall serve the
24 period of confinement in prison under the determinate sentence concurrent with the
25 period of confinement in prison under the indeterminate sentence and the term of

SENATE BILL 55**SECTION 4027**

1 extended supervision under the determinate sentence concurrent with the parole
2 portion of the indeterminate sentence.

3 2. If a court provides that a determinate sentence is to run consecutive to an
4 indeterminate sentence, the person sentenced shall serve the period of confinement
5 in prison under the determinate sentence consecutive to the period of confinement
6 in prison under the indeterminate sentence and the parole portion of the
7 indeterminate sentence consecutive to the term of extended supervision under the
8 determinate sentence.

9 (d) *Indeterminate sentences imposed to run concurrent with or consecutive to*
10 *determinate sentences.* 1. If a court provides that an indeterminate sentence is to run
11 concurrent with a determinate sentence, the person sentenced shall serve the period
12 of confinement in prison under the indeterminate sentence concurrent with the
13 period of confinement in prison under the determinate sentence and the parole
14 portion of the indeterminate sentence concurrent with the term of extended
15 supervision required under the determinate sentence.

16 2. If a court provides that an indeterminate sentence is to run consecutive to
17 a determinate sentence, the person sentenced shall serve the period of confinement
18 in prison under the indeterminate sentence consecutive to the period of confinement
19 in prison under the determinate sentence and the parole portion of the
20 indeterminate sentence consecutive to the term of extended supervision under the
21 determinate sentence.

22 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent
23 determinate sentences and extended supervision is revoked in each case, or if a
24 person is serving a determinate sentence concurrent with an indeterminate sentence
25 and both extended supervision and parole are revoked, the person shall concurrently

SENATE BILL 55**SECTION 4027**

1 serve any periods of confinement in prison required under those sentences under s.
2 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

3 **SECTION 4028.** 973.155 (1) (b) of the statutes is amended to read:

4 973.155 (1) (b) The categories in par. (a) include custody of the convicted
5 offender which is in whole or in part the result of a probation, extended supervision
6 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed
7 upon the person for the same course of conduct as that resulting in the new
8 conviction.

9 **SECTION 4029.** 976.08 of the statutes is amended to read:

10 **976.08 Additional applicability.** In this chapter, "prisoner" includes any
11 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
12 state prison and ~~any person subject to an order under s. 938.34 (4h) who is 17 years~~
13 ~~of age or older.~~

14 **SECTION 4030.** 977.05 (6) (c) of the statutes is repealed.

15 **SECTION 4031.** 977.05 (6) (cm) of the statutes is repealed.

16 **SECTION 4032.** 978.13 (1) (intro.) and (d) of the statutes are consolidated,
17 renumbered 978.13 (1) and amended to read:

18 978.13 (1) The In counties having a population of 500,000 or more, the state
19 shall assume financial responsibility for all of the following: ~~(d) In counties having~~
20 ~~a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions~~
21 ~~providing clerical services to the prosecutors in the district attorney's office handling~~
22 ~~cases involving the unlawful possession or use of firearms. The state treasurer shall~~
23 ~~pay the amount authorized under this paragraph subsection~~ to the county treasurer
24 from the appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the
25 district attorney to the department of administration. The amount paid under this

SENATE BILL 55**SECTION 4032**

1 paragraph subsection may not exceed \$51,300 in the 1999-2000 fiscal year and
2 \$64,400 in the 2000-01 fiscal year the amount appropriated under s. 20.475 (1) (f).

3 **SECTION 4033.** 978.13 (1) (b) and (c) of the statutes are repealed.

4 **SECTION 4034.** 979.025 of the statutes is created to read:

5 **979.025 Autopsy of correctional inmate.** (1) INMATE CONFINED TO AN
6 INSTITUTION IN THIS STATE. If an individual dies while he or she is in the legal custody
7 of the department and confined to a correctional facility located in this state, the
8 coroner or medical examiner of the county where the death occurred shall perform
9 an autopsy on the deceased individual. If the coroner or medical examiner who
10 performs the autopsy determines that the individual's death may have been the
11 result of any of the situations that would permit the district attorney to order an
12 inquest under s. 979.04 (1), the coroner or medical examiner shall follow the
13 procedures under s. 979.04 (2).

14 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an individual dies
15 while he or she is in the legal custody of the department and confined to a correctional
16 facility in another state under a contract under s. 301.07, 301.21, or 302.25, the
17 department shall have an autopsy performed by an appropriate authority in the
18 other state or by the coroner or medical examiner of the county in which the circuit
19 court is located that sentenced the individual to the custody of the department. If
20 the coroner or medical examiner who performs the autopsy in this state determines
21 that the individual's death may have been the result of any of the situations that
22 would permit the district attorney to order an inquest under s. 979.04 (1), the coroner
23 or medical examiner shall forward the results of the autopsy to the appropriate
24 authority in the other state.

SENATE BILL 55**SECTION 4034**

1 **(3) COSTS OF AN AUTOPSY.** The costs of an autopsy performed under sub. (1) or
2 (2) shall be paid by the department.

3 **SECTION 4035.** 1997 Wisconsin Act 4, section 4 (1) (a), as last affected by 1999
4 Wisconsin Act 9, section 3261, is amended to read:

5 [1997 Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act
6 27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,
7 until July 1, ~~2001~~ 2003, operate the secured correctional facility, as defined in section
8 938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27, section 9126
9 (26v), as a state prison named in section 302.01 of the statutes, as affected by this
10 act, for the placement of prisoners, as defined in section 301.01 (2) of the statutes,
11 who are not more than 21 years of age and who are not violent offenders, as
12 determined by the department of corrections.

13 **SECTION 4036.** 1997 Wisconsin Act 27, section 1622d is repealed.

14 **SECTION 4037.** 1997 Wisconsin Act 27, section 1623d is repealed.

15 **SECTION 4038.** 1997 Wisconsin Act 27, section 1624d is repealed.

16 **SECTION 4039.** 1997 Wisconsin Act 27, section 9101 (11m) is repealed.

17 **SECTION 4040.** 1997 Wisconsin Act 27, section 9423 (10f) is repealed.

18 **SECTION 4041.** 1997 Wisconsin Act 27, section 9456 (3m) is repealed.

19 **SECTION 4042.** 1997 Wisconsin Act 252, section 51 is repealed.

20 **SECTION 4043.** 1997 Wisconsin Act 252, section 53 is repealed.

21 **SECTION 4044.** 1997 Wisconsin Act 252, section 201 (1) is repealed.

22 **SECTION 4045.** 1999 Wisconsin Act 9, section 11ac is repealed.

23 **SECTION 4046.** 1999 Wisconsin Act 9, section 593ac is repealed.

24 **SECTION 4047.** 1999 Wisconsin Act 9, section 9201 (2m) is repealed.

25 **SECTION 4048.** 1999 Wisconsin Act 9, section 9201 (2n) is repealed.

SENATE BILL 55**SECTION 4049**

1 **SECTION 4049.** 1999 Wisconsin Act 9, section 9201 (2p) is repealed.

2 **SECTION 4050.** 1999 Wisconsin Act 9, section 9211 (title) and (2g) are repealed.

3 **SECTION 4051.** 1999 Wisconsin Act 9, section 9230 (title) and (1) are repealed.

4 **SECTION 4052.** 1999 Wisconsin Act 9, section 9230 (2m) is repealed.

5 **SECTION 4053.** 1999 Wisconsin Act 9, section 9230 (3m) is repealed.

6 **SECTION 4054.** 1999 Wisconsin Act 9, section 9238 (title) and (1h) are repealed.

7 **SECTION 4055.** 1999 Wisconsin Act 9, section 9239 (title) and (1h) are repealed.

8 **SECTION 4056.** 1999 Wisconsin Act 9, section 9239 (2h) is repealed.

9 **SECTION 4057.** 1999 Wisconsin Act 9, section 9357 (3) is amended to read:

10 [1999 Wisconsin Act 9] Section 9357 (3) ASSIGNMENT OF RECEIVING AND
11 DISBURSING FEES. The treatment of sections 767.265 (1), (2h) (by SECTION 3059) and
12 (2r) and 767.29 (1) (d) (intro.), 1. and 2. of the statutes and the amendment of section
13 ~~767.265 (1m)~~ of the statutes first ~~apply~~ applies to annual receiving and disbursing
14 fees that are ordered on the effective date of this subsection.

15 **SECTION 4058.** 1999 Wisconsin Act 9, section 9401 (2zt) is repealed.

16 **SECTION 4059.** 1999 Wisconsin Act 9, section 9401 (2zu) is repealed.

17 **SECTION 4060.** 1999 Wisconsin Act 9, section 9421 (1x) is amended to read:

18 [1999 Wisconsin Act] Section 9421 (1x) ASSISTANCE FROM DEPARTMENT OF
19 WORKFORCE DEVELOPMENT. The treatment of section 20.445 (3) (mc) (by SECTION
20 474ac) of the statutes and the repeal of sections ~~14.18~~ and ~~20.525 (1) (kb)~~ of the
21 statutes ~~take~~ takes effect on January 6, 2003.

22 **SECTION 9101. Nonstatutory provisions; administration.**

23 (1) TANK PLAN REVIEW AND INSPECTION FEES. The secretary of administration
24 shall calculate the amount of fees collected for plan review and inspection of tanks
25 for the storage, handling, or use of flammable or combustible liquids and for any

SENATE BILL 55**SECTION 9101**

1 certification or registration required under section 101.09 (3) (c) of the statutes
2 beginning on July 1, 2000, and ending on the effective date of this subsection, less
3 the costs encumbered under the appropriation under section 20.143 (3) (j) of the
4 statutes during that period for 2 program specialists for the program under section
5 101.143 of the statutes.

6 (2) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal and program
7 revenue moneys appropriated to the department of administration for the office of
8 justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the
9 department shall expend \$84,000 in fiscal year 2001-02 and \$91,000 in fiscal year
10 2002-03 to provide the multijurisdictional enforcement group serving Dane County
11 with funding for one assistant district attorney to prosecute criminal violations of
12 chapter 961 of the statutes.

13 (3) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From federal and
14 program revenue moneys appropriated to the department of administration for the
15 office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the
16 department shall expend \$277,900 in fiscal year 2001-02 and \$291,400 in fiscal year
17 2002-03 to provide the multijurisdictional enforcement group serving Milwaukee
18 County with funding for 3 assistant district attorneys to prosecute criminal
19 violations of chapter 961 of the statutes.

20 (4) EDUCATIONAL BROADCASTING.

21 (a) *Determination of license fee transfer date.* If the secretary of administration
22 determines that the federal communications commission has approved the transfer
23 of all broadcasting licenses held by the educational communications board or all
24 broadcasting licenses, except licenses for student radio, held by the board of regents
25 of the University of Wisconsin, or both, to the corporation described under section

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1 39.82 (1) of the statutes, as created by this act, the secretary shall immediately notify
2 the revisor of statutes in writing of the effective date of the last license transferred.

3 (b) *Transfer of University of Wisconsin System funds.* If the secretary of
4 administration determines that the federal communications commission has
5 approved the transfer of all broadcasting licenses held by the educational
6 communications board and the board of regents of the University of Wisconsin
7 System, except licenses for student radio, to the corporation described under section
8 39.82 (1) of the statutes, as created by this act, on the effective date of the last license
9 transferred, all unencumbered balances appropriated to the board of regents of the
10 University of Wisconsin System under section 20.285 of the statutes for public
11 broadcasting, as determined by the secretary of administration, are transferred to
12 the corporation described under section 39.82 (1) of the statutes, as created by this
13 act.

14 (5) USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES BY GOVERNMENTAL
15 UNITS. Using the procedure under section 227.24 of the statutes, the department of
16 administration may promulgate emergency rules under section 137.25 (2) of the
17 statutes, as created by this act, for the period before the effective date of permanent
18 rules initially promulgated under section 137.25 (2) of the statutes, as created by this
19 act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the
20 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
21 department is not required to provide evidence that promulgating a rule under this
22 subsection as an emergency rule is necessary for the preservation of the public peace,
23 health, safety, or welfare and is not required to provide a finding of emergency for a
24 rule promulgated under this subsection.

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1 (6) USE OF ELECTRONIC SIGNATURES BY NOTARIES PUBLIC. The secretary of state
2 and department of administration shall promulgate initial rules under section
3 137.25 (2) (b) of the statutes, as created by this act, to become effective no later than
4 January 1, 2004.

5 (7) CONSOLIDATION OF APPROPRIATIONS. On the effective date of this subsection,
6 the secretary of administration shall apportion and transfer the unencumbered
7 moneys and accounts receivable from the appropriation account under section
8 20.505 (1) (kd) of the statutes to the appropriation accounts under sections 20.505
9 (1) (kb) and 20.530 (1) (ke) of the statutes, as affected by this act, and shall apportion
10 and transfer the liabilities, including any liabilities incurred under section 20.903
11 (2) (b) of the statutes, from the appropriation sections 20.505 (1) (kd) of the statutes
12 to the appropriations under sections 20.505 (1) (kb) and 20.530 (1) (ke) of the
13 statutes, as affected by this act, in the manner determined by the secretary.

14 (8) ABOLITION OF LAND INFORMATION BOARD.

15 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
16 liabilities of the land information board, as determined by the secretary of
17 administration, shall become the assets and liabilities of the department of
18 administration.

19 (b) *Tangible personal property.* On the effective date of this paragraph, all
20 tangible personal property, including records, of the land information board, as
21 determined by the secretary of administration, is transferred to the department of
22 administration.

23 (c) *Contracts.* All contracts entered into by the land information board in effect
24 on the effective date of this paragraph remain in effect and are transferred to the
25 department of administration. The department of administration shall carry out

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1 any obligations under such a contract until the contract is modified or rescinded by
2 the department of administration to the extent allowed under the contract.

3 (d) *Rules and orders.* All rules promulgated by the land information board that
4 are in effect on the effective date of this paragraph remain in effect until their
5 specified expiration dates or until amended or repealed by the department of
6 administration. All orders issued by the land information board that are in effect on
7 the effective date of this paragraph remain in effect until their specified expiration
8 date or until modified or rescinded by the department of administration.

9 (e) *Pending matters.* Any matter pending with the land information board on
10 the effective date of this paragraph is transferred to the department of
11 administration and all materials submitted to or actions by the land information
12 board with respect to the pending matter are considered as having been submitted
13 to or taken by the department of administration.

14 (9) LAND INFORMATION REPORT. Notwithstanding section 16.967 (3) (f) of the
15 statutes, as affected by this act, the department of administration shall submit a
16 report under that paragraph to the Wisconsin land council for the 2001-02 fiscal year
17 no later than 10 days after the date of publication of this act.

18 (10) WISCONSIN ADVANCED TELECOMMUNICATIONS FOUNDATION FUNDS.

19 (a) *Determination by secretary of administration.* If the secretary of
20 administration determines that the Wisconsin advanced telecommunications
21 foundation has granted, before the effective date of this paragraph, to the
22 department of administration the unencumbered balances of the endowment fund
23 established under section 14.28 (2) (g), 1999 stats., and the fast start fund
24 established under section 14.28 (6) (a), 1999 stats., each of the following applies on
25 the effective date of this paragraph:

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1 1. 'Wisconsin Informational Network for School Success.' An amount equal to
2 \$579,000 is transferred from the appropriation account under section 20.505 (1) (j)
3 of the statutes to the appropriation account under section 20.255 (1) (ke) of the
4 statutes, for the purpose of upgrading the Wisconsin Informational Network for
5 School Success.

6 2. 'State school finance information system.' An amount equal to \$77,800 is
7 transferred from the appropriation account under section 20.505 (1) (j) of the statutes
8 to the appropriation account under section 20.255 (1) (ke) of the statutes, for the
9 purpose of upgrading the state school finance information system.

10 3. 'Wisconsin Center for the Blind and Visually Impaired.' An amount equal
11 to \$526,000 is transferred from the appropriation account under section 20.505 (1)
12 (j) of the statutes to the appropriation account under section 20.255 (1) (ke) of the
13 statutes, for the purpose of upgrading and replacing assistive technology devices and
14 related software programs at the Janesville facility of the Wisconsin Center for the
15 Blind and Visually Impaired and the regional satellite facilities of the center and for
16 completing a network upgrade at the Janesville facility.

17 4. 'Wisconsin Regional Library for the Blind and Physically Handicapped.' An
18 amount equal to \$161,600 is transferred from the appropriation account under
19 section 20.505 (1) (j) of the statutes to the appropriation account under section 20.255
20 (1) (ke) of the statutes, for the purpose of replacing the automated system at the
21 Wisconsin Regional Library for the Blind and Physically Handicapped.

22 5. 'Technology for educational achievement in Wisconsin board.' An amount
23 equal to \$136,200 is transferred from the appropriation account under section 20.505
24 (1) (j) of the statutes to the appropriation account under section 20.275 (1) (k) of the
25 statutes, as created by this act, for the purpose of providing administrative and

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1 support services to resolve the outstanding business of the Wisconsin advanced
2 telecommunications foundation and performing other duties, as determined by the
3 secretary of the technology for educational achievement in Wisconsin board,
4 including duties related to the state's administration of any federal funding available
5 under 47 USC 254.

6 6. 'Technical college system board.' An amount equal to \$2,000,000 is
7 transferred from the appropriation account under section 20.505 (1) (j) of the statutes
8 to the appropriation account under section 20.292 (1) (km) of the statutes, as created
9 by this act.

10 7. 'Wisconsin advanced telecommunications foundation grants.' An amount
11 equal to \$566,200 is transferred from the appropriation account under section 20.505
12 (1) (j) of the statutes to the appropriation account under section 20.275 (1) (k) of the
13 statutes, as created by this act, for the purpose of closing out any existing grants
14 made by the Wisconsin advanced telecommunications foundation.

15 8. 'Wisconsin advanced distributed co-laboratory.' An amount equal to
16 \$1,000,000 is transferred from the appropriation account under section 20.505 (1) (j)
17 of the statutes to the appropriation account under section 20.285 (1) (k) of the
18 statutes for the purpose of funding the Wisconsin advanced distributed
19 co-laboratory. After the transfer described in this subdivision is made, the board of
20 regents of the University of Wisconsin System shall, by September 1, 2003, submit
21 a report to the department of administration that shows how the board of regents
22 used the amount transferred to benefit the Wisconsin advanced distributed
23 co-laboratory and describes any federal funding received for the co-laboratory.

24 9. 'Worldwide distance education.' An amount equal to \$250,000 is transferred
25 from the appropriation account under section 20.505 (1) (j) of the statutes to the

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1 appropriation account under section 20.285 (1) (k) of the statutes for the purpose of
2 the University of Wisconsin Learning Innovations at the University of
3 Wisconsin-Extension to establish a nonstock, nonprofit corporation that is described
4 in section 501 (c) (3) of the Internal Revenue Code, whose purpose is to establish
5 distance education classrooms in Wisconsin trade offices abroad and to offer
6 University of Wisconsin System distance education courses from those classrooms.

7 10. 'University of Wisconsin Learning Innovations.' An amount equal to
8 \$3,000,000 is transferred from the appropriation account under section 20.505 (1) (j)
9 of the statutes to the appropriation account under section 20.285 (1) (k) of the
10 statutes for the purpose of funding the activities of the University of Wisconsin
11 Learning Innovations at the University of Wisconsin-Extension.

12 11. 'Department of commerce grants for technology research.' An amount equal
13 to \$1,500,000 is transferred from the appropriation account under section 20.505 (1)
14 (j) of the statutes to the appropriation account under section 20.143 (1) (kt) of the
15 statutes, as created by this act, for the purpose of allowing the department of
16 commerce to make grants, no later than June 30, 2003, to the University of
17 Wisconsin-Milwaukee, the University of Wisconsin-Parkside, Marquette
18 University, the Milwaukee School of Engineering, and the Medical College of
19 Wisconsin for research related to emerging technologies that will promote industrial
20 and economic development in southeastern Wisconsin. The department of commerce
21 may not make a grant under this subdivision unless the department and the
22 recipient enter into an agreement that specifies reporting and auditing
23 requirements for the grant.

24 12. 'University of Wisconsin System wireless networking.' An amount equal
25 to \$500,000 is transferred from the appropriation account under section 20.505 (1)

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1 (j) of the statutes to the appropriation account under section 20.285 (1) (k) of the
2 statutes for the purpose of developing wireless networking systems that allow
3 students to use laptop computers and docking stations to connect to the Internet.

4 13. 'University of Wisconsin System Internet 2 project.' An amount equal to
5 \$2,000,000 is transferred from the appropriation account under section 20.505 (1) (j)
6 of the statutes to the appropriation account under section 20.285 (1) (k) of the
7 statutes for the purpose of funding the project of the University of Wisconsin System
8 designated as "Internet 2" that upgrades technology infrastructure on campuses for
9 enhancing high-speed Internet activity.

10 14. 'University of Wisconsin-Madison Medical School.' An amount equal to
11 \$500,000 is transferred from the appropriation account under section 20.505 (1) (j)
12 of the statutes to the appropriation account under section 20.285 (1) (k) of the
13 statutes for the purpose of purchasing a digital mammography machine for the
14 University of Wisconsin-Madison Medical School.

15 15. 'Higher educational aids board.' An amount equal to \$168,300 is
16 transferred from the appropriation account under section 20.505 (1) (j) of the statutes
17 to the appropriation account under section 20.235 (1) (kt) of the statutes, as created
18 by this act, for the purpose of upgrading technology at the higher educational aids
19 board.

20 (b) *Wisconsin geographical education program.* If the secretary of
21 administration makes the determination under paragraph (a) (intro.) and
22 determines that the National Geographical Society Education Foundation has
23 provided the matching funds described in section 115.28 (42) (a) of the statutes, as
24 created by this act, on the effective date of this paragraph or on the date that the
25 secretary makes the determination under this paragraph, whichever is later, an

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1 amount equal to \$500,000 is transferred from the appropriation account under
2 section 20.505 (1) (j) of the statutes to the appropriation account under section 20.255
3 (1) (ke) of the statutes, for the purpose of making a grant to the National
4 Geographical Society Education Foundation for the geographical education program
5 established under section 115.28 (42) of the statutes, as created by this act.

6 (11) POSITION AUTHORIZATION. The authorized FTE positions for the department
7 of administration are increased by 1.0 PR position for the performance of duties
8 primarily related to printing services in the division of information technology
9 services.

10 (12) TRANSFER OF CAPACITY BUILDING GRANT PROGRAM.

11 (a) *Tangible personal property.* On the effective date of this paragraph, all
12 tangible personal property, including records, of the department of administration
13 that is primarily related to the capacity building grant program, as determined by
14 the secretary of administration, is transferred to the technical college system board.

15 (b) *Contracts.* All contracts entered into by the department of administration
16 in effect on the effective date of this paragraph that are primarily related to the
17 capacity building grant program, as determined by the secretary of administration,
18 remain in effect and are transferred to the technical college system board. The
19 technical college system board shall carry out any obligations under such a contract
20 until the contract is modified or rescinded by the technical college system board to
21 the extent allowed under the contract.

22 (c) *Rules.* All rules promulgated by the department of administration that are
23 primarily related to the capacity building grant program, as determined by the
24 secretary of administration, and that are in effect on the effective date of this

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1 paragraph remain in effect until their specified expiration date or until amended or
2 repealed by the technical college system board.

3 (d) *Pending matters.* Any matter pending with the department of
4 administration on the effective date of this paragraph that is primarily related to the
5 capacity building grant program, as determined by the secretary of administration,
6 is transferred to the technical college system board and all materials submitted to
7 or actions taken by the department of administration with respect to the pending
8 matter are considered as having been submitted to or taken by the technical college
9 system board.

10 (13) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary of
11 administration may allocate up to \$2,000,000 in fiscal year 2002-03 from the
12 appropriation accounts under section 20.505 (6) (kp) and (m) of the statutes for
13 distribution to the public defender board, the director of state courts, and the
14 Wisconsin District Attorneys Association to fund activities to divert misdemeanor
15 offenders from imprisonment. No expenditure of the amount allocated under this
16 subsection may be made except upon approval of the department of administration
17 of a proposal for diversion programs submitted to the department of administration
18 by the public defender board.

19 (14) ELECTRONIC PROCUREMENT AND COMMERCE ACTIVITIES. The department of
20 administration shall report to the governor and the cochairpersons of the joint
21 committee on finance concerning the status of the electronic procurement and
22 commerce activities of the department. The department shall include in the report
23 an assessment of the costs and benefits of those activities for the 2002-03 fiscal year
24 and an assessment of the effectiveness of state executive branch agencies in
25 increasing the volume of those activities.

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1 (15) TRANSFER OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS
2 FUNCTIONS.

3 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
4 liabilities of the department of administration that are primarily related to its
5 information technology or telecommunications functions, except educational
6 technology functions, as determined by the secretary of administration, shall become
7 assets and liabilities of the department of electronic government, as created by this
8 act.

9 (b) *Positions and employees.*

10 1. On the effective date of this subdivision, all full-time equivalent positions
11 in the department of administration having duties that are primarily related to its
12 information technology or telecommunications functions, except educational
13 technology functions, as determined by the secretary of administration, are
14 transferred to the department of electronic government, as created by this act.

15 2. All incumbent employees holding positions specified in subdivision 1. are
16 transferred on the effective date of this subdivision to the department of electronic
17 government, as created by this act.

18 3. Employees transferred under subdivision 2. have all of the rights and the
19 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the
20 department of electronic government, as created by this act, that they enjoyed in the
21 department of administration immediately before the transfer. Notwithstanding
22 section 230.28 (4) of the statutes, no employee so transferred who has attained
23 permanent status in class is required to serve a probationary period.

24 (c) *Tangible personal property.* On the effective date of this paragraph, all
25 tangible personal property, including records, of the department of administration

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1 that is primarily related to its information technology or telecommunications
2 functions, except educational technology functions, as determined by the secretary
3 of administration, is transferred to the department of electronic government, as
4 created by this act.

5 (d) *Contracts.* All contracts entered into by the department of administration
6 in effect on the effective date of this paragraph that are primarily related to its
7 information technology or telecommunications functions, except educational
8 technology functions, as determined by the secretary of administration, are
9 transferred to the department of electronic government, as created by this act. The
10 department of electronic government shall carry out any contractual obligations
11 under such a contract until the contract is modified or rescinded by the department
12 of electronic government to the extent allowed under the contract.

13 (e) *Rules and orders.* All rules promulgated by the department of
14 administration that are primarily related to its information technology or
15 telecommunications functions, except educational technology functions, and that
16 are in effect on the effective date of this paragraph remain in effect until their
17 specified expiration dates or until amended or repealed by the department of
18 electronic government, as created by this act. All orders issued by the department
19 of administration that are primarily related to its information technology or
20 telecommunications functions, except educational technology functions, and that
21 are in effect on the effective date of this paragraph remain in effect until their
22 specified expiration dates or until modified or rescinded by the department of
23 electronic government, as created by this act.

24 (f) *Pending matters.* Any matter pending with the department of
25 administration that is primarily related to its information technology or

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1 telecommunications functions, except educational technology functions, on the
2 effective date of this paragraph is transferred to the department of electronic
3 government, as created by this act, and all materials submitted to or actions taken
4 by the department of administration with respect to the pending matter are
5 considered as having been submitted to or taken by the department of electronic
6 government, as created by this act.

7 (16) TRANSFER OF NATIONAL AND COMMUNITY SERVICE BOARD.

8 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
9 liabilities of the department of administration primarily related to the functions of
10 the national and community service board, as determined by the secretary of
11 administration, shall become the assets and liabilities of the department of
12 workforce development.

13 (b) *Positions and employees.*

14 1. The authorized FTE positions for the department of administration, funded
15 from the appropriation under section 20.505 (4) (o), 1999 stats., are decreased by 3.0
16 FED positions on the effective date of this subdivision for the functions of the
17 national community service board under section 16.22, 1999 stats.

18 2. The authorized FTE positions for the department of workforce development,
19 funded from the appropriation under section 20.445 (6) (n) of the statutes, as affected
20 by this act, are increased by 3.0 FED positions on the effective date of this subdivision
21 for the functions of the national and community service board under section 106.22
22 of the statutes, as affected by this act.

23 3. All incumbent employees holding positions specified in subdivision 1. are
24 transferred on the effective date of this subdivision to the department of workforce
25 development.

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1 4. Employees transferred under subdivision 3. have all the rights and the same
2 status under subchapter V of chapter 111 and chapter 230 of the statutes in the
3 department of workforce development that they enjoyed in the department of
4 administration immediately before the transfer. Notwithstanding section 230.28 (4)
5 of the statutes, no employee so transferred who has attained permanent status in
6 class is required to serve a probationary period.

7 (c) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property, including records, of the department of administration
9 that is primarily related to the functions of the national and community service
10 board, as determined by the secretary of administration, is transferred to the
11 department of workforce development.

12 (d) *Contracts.* All contracts entered into by the department of administration
13 in effect on the effective date of this paragraph that are primarily related to the
14 functions of the national and community service board, as determined by the
15 secretary of administration, remain in effect and are transferred to the department
16 of workforce development. The department of workforce development shall carry out
17 any contractual obligations under such a contract until the contract is modified or
18 rescinded by the department of workforce development to the extent allowed under
19 the contract.

20 (17) **STUDY ON FACILITY CONSTRUCTION PLANS.** By June 30, 2002, the department
21 of administration shall conduct and present to the governor and to the secretary of
22 administration a study that reviews the separate responsibilities of the department
23 of health and family services and the department of commerce to review capital
24 construction and remodeling plans of nursing homes, community-based residential

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1 facilities, hospitals, and other medical facilities. The study shall address the
2 feasibility of centralizing the construction plan reviews in one of the departments.

3 (18) RAILROAD CROSSING HEARINGS. The authorized FTE positions for the
4 department of administration are increased by 1.0 GPR attorney position on the
5 effective date of this subsection, to be funded from the appropriation under section
6 20.505 (4) (f) of the statutes, for providing services relating to railroad crossing
7 hearings.

8 (19) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. Notwithstanding
9 section 15.105 (8) of the statutes, as created by this act, 2 of the initial members of
10 the board on education evaluation and accountability shall serve for terms expiring
11 on May 1, 2003; and 3 of the initial members shall serve for terms expiring on May
12 1, 2005.

13 **SECTION 9102. Nonstatutory provisions; adolescent pregnancy**
14 **prevention and pregnancy services board.**

15 **SECTION 9103. Nonstatutory provisions; aging and long-term care**
16 **board.**

17 **SECTION 9104. Nonstatutory provisions; agriculture, trade and**
18 **consumer protection.**

19 (1) AGRICULTURAL PRODUCER SECURITY COUNCIL. Notwithstanding the length of
20 terms specified for the members of the agricultural producer security council under
21 section 15.137 (1) (a) of the statutes, as created by this act, the initial members shall
22 be appointed for terms expiring on July 1, 2005.

23 (2) AGRICULTURAL PRODUCER SECURITY TRANSITION.

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1 (a) *Vegetable contractors.* Notwithstanding SECTION 9404 (1) of this act, chapter
2 126 of the statutes, as created by this act, does not apply with respect to vegetable
3 contractors until February 1, 2002, except as follows:

4 1. All registration fees and surcharges paid under section 100.03 (3), 1999
5 stats., after December 31, 2001, shall be deposited in the agricultural producer
6 security fund.

7 2. A vegetable contractor applying for a license for the license year that begins
8 on February 1, 2002, shall submit an application that complies with section 126.56
9 of the statutes, as created by this act.

10 (b) *Milk contractors.* Notwithstanding SECTION 9404 (1) of this act, chapter 126
11 of the statutes, as created by this act, does not apply with respect to milk contractors
12 until May 1, 2002, except as follows:

13 1. All milk producer security fees paid under section 100.06 (9), 1999 stats.,
14 after December 31, 2001, shall be deposited in the agricultural producer security
15 fund.

16 2. A milk contractor applying for a license for the license year that begins on
17 May 1, 2002, shall submit an application that complies with section 126.41 of the
18 statutes, as created by this act.

19 (c) *Grain dealers and warehouse keepers.* Notwithstanding SECTION 9404 (1)
20 of this act, chapter 126 of the statutes, as created by this act, does not apply with
21 respect to grain dealers and grain warehouse keepers until September 1, 2002,
22 except as follows:

23 1. All license fees and surcharges paid under chapter 127, 1999 stats., after
24 December 31, 2001, shall be deposited in the agricultural producer security fund.

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1 2. A grain dealer applying for a license for the license year that begins on
2 September 1, 2002, shall submit an application that complies with section 126.11 of
3 the statutes, as created by this act.

4 3. A grain warehouse keeper applying for a license for the license year that
5 begins on September 1, 2002, shall submit an application that complies with section
6 126.26 of the statutes, as created by this act.

7 **SECTION 9105. Nonstatutory provisions; arts board.**

8 **SECTION 9106. Nonstatutory provisions; boundary area commission,**
9 **Minnesota-Wisconsin.**

10 **SECTION 9107. Nonstatutory provisions; building commission.**

11 **SECTION 9108. Nonstatutory provisions; child abuse and neglect**
12 **prevention board.**

13 **SECTION 9109. Nonstatutory provisions; circuit courts.**

14 **SECTION 9110. Nonstatutory provisions; commerce.**

15 (1) GRANT FOR LINCOLN PARK CENTER. From the appropriation under section
16 20.143 (1) (kj) of the statutes, as affected by this act, the department of commerce
17 may make a grant of up to \$1,000,000 to the M7 Development Corporation for
18 constructing a multipurpose center at Lincoln Park in the city of Milwaukee. The
19 department of commerce may not award any grant proceeds under this subsection
20 unless the M7 Development Corporation provides funding for the project from the
21 city of Milwaukee in an amount that is at least equal to the grant amount. If the
22 department of commerce makes a grant under this subsection, the department shall
23 enter into an agreement with the M7 Development Corporation that provides for,
24 among other things, reporting and auditing requirements.

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1 (2) GRANTS TO CHIPPEWA VALLEY TECHNICAL COLLEGE. From the appropriation
2 under section 20.143 (1) (kj) of the statutes, as affected by this act, the department
3 of commerce may make grants of up to \$250,000 in fiscal year 2001-02 and up to
4 \$250,000 in fiscal year 2002-03 to the Chippewa Valley Technical College for a health
5 care education center. If the department of commerce makes a grant under this
6 subsection, the department of commerce shall enter into an agreement with the
7 Chippewa Valley Technical College that specifies the uses for the grant proceeds and
8 reporting and auditing requirements.

9 (3) MANUFACTURED BUILDING CODE.

10 (a) *Definitions.* In this subsection:

11 1. "Installation" has the meaning given in section 101.71 (4) of the statutes.

12 2. "Manufactured building" has the meaning given in section 101.71 (6) of the
13 statutes.

14 3. "Municipality" has the meaning given in section 101.761 (1) of the statutes.

15 (b) *Building permit not required.* Notwithstanding section 101.761 (2m) of the
16 statutes, as created by this act, a person is not required to obtain a building permit
17 for installation of a manufactured building in a municipality, if the installation
18 begins before the effective date of this paragraph and if, at the time that the
19 installation begins, the municipality is exempt under section 101.761 (2), 1999 stats.,
20 the municipality has not enacted an ordinance requiring a building permit for the
21 installation, the municipality does not jointly exercise jurisdiction with a political
22 subdivision that requires a building permit for the installation, and the municipality
23 has not requested a county or the department of commerce to provide building permit
24 services under section 101.761 (3), 1999 stats.

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1 (4) DWELLING CODE COUNCIL. Notwithstanding the length of terms specified for
2 members of the dwelling code council appointed under section 15.157 (3) of the
3 statutes, as affected by this act, the member appointed under that section as a
4 representative of remodeling contractors shall be initially appointed for a term
5 expiring on July 1, 2004.

6 (5) EMPLOYEE TRANSFER. On the effective date of this subsection, 1.0 FTE GPR
7 position in the department of commerce, funded from the appropriation under
8 section 20.143 (1) (a) of the statutes and primarily related to rural policy
9 development, as determined by the secretary of administration, and the incumbent
10 employee holding that position, is transferred to the office of the governor, to be
11 funded from the appropriation under section 20.525 (1) (a) of the statutes, for the
12 purpose of rural policy development.

13 (6) REGULATORY FLEXIBILITY. There is created a regulatory flexibility committee,
14 which shall consist of 10 members appointed by the governor. At least one member
15 of the committee shall be appointed from a list of nominees submitted by the
16 Wisconsin chapter of the National Federation of Independent Businesses. At least
17 one member of the committee shall be appointed from a list of nominees submitted
18 by Wisconsin Manufacturers and Commerce. The governor shall designate one of the
19 members of the committee as the chairperson. The chairperson shall set the date for
20 the first meeting. A majority of the committee constitutes a quorum to do business.
21 The committee members shall be reimbursed for their actual and necessary expenses
22 incurred while performing their duties as committee members. The committee shall
23 issue a report, which may include recommendations for legislation, to the governor
24 and to the legislature for distribution to the appropriate standing committees in the
25 manner provided in section 13.172 (3) of the statutes. The department of commerce

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1 shall provide staff support and any assistance necessary for the committee to
2 complete its report. The committee shall cease to exist when the committee has
3 submitted the report required under this section or on September 1, 2002, whichever
4 occurs sooner. The committee shall include discussions of all of the following in its
5 report:

6 (a) How to require an agency to consider the direct and indirect impacts of rules
7 proposed by the agency.

8 (b) Whether judicial enforcement of section 227.114 of the statutes is
9 appropriate or sufficient.

10 (c) What provisions are available or are needed to enable a business to
11 challenge an agency's regulatory flexibility analysis prepared under section 227.19
12 (3) (e) of the statutes.

13 (d) What additional authority is appropriate and necessary for the Joint
14 Committee for Review of Administrative Rules to suspend or modify a proposed or
15 existing agency rule.

16 (e) What action needs to be taken by what agencies to develop a no-fault audit
17 program and a compliance assistance program.

18 (f) What grace periods are appropriate during which a business may correct a
19 rule or statutory violation before being assessed a fine or forfeiture.

20 (g) Whether an agency should consider a small business's ability to pay when
21 assessing a fine or forfeiture against that business.

22 (h) What action needs to be taken, and by what agencies, to develop a program
23 that allows a business to pay a fine or forfeiture in installments.

24 **SECTION 9111. Nonstatutory provisions; corrections.**

25 (1) YOUTH DIVERSION PROGRAM.

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1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of corrections primarily related to the youth diversion
3 from gang activities program under section 301.265, 1999 stats., as determined by
4 the secretary of administration, shall become the assets and liabilities of the
5 department of administration.

6 (b) *Positions and employees.*

7 1. The authorized FTE positions for the department of corrections, funded from
8 the appropriation under section 20.410 (3) (a) of the statutes, are decreased by 1.5
9 GPR positions on the effective date of this subdivision for the youth diversion from
10 gang activities program under section 301.265, 1999 stats.

11 2. The authorized FTE positions for the department of administration, funded
12 from the appropriation under section 20.505 (6) (a) of the statutes, as affected by this
13 act, are increased by 1.5 GPR positions on the effective date of this subdivision for
14 the youth diversion from gang activities program under section 16.964 (8) of the
15 statutes, as affected by this act.

16 3. The authorized FTE positions for the department of corrections, funded from
17 the appropriation under section 20.410 (3) (hm) of the statutes, are decreased by 0.5
18 PR position on the effective date of this subdivision for the youth diversion from gang
19 activities program under section 301.265, 1999 stats.

20 4. The authorized FTE positions for the department of administration, funded
21 from the appropriation under section 20.505 (6) (k) of the statutes, as affected by this
22 act, are increased by 0.5 PR position on the effective date of this subdivision for the
23 youth diversion from gang activities program under section 16.964 (8) of the statutes,
24 as affected by this act.

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1 5. On the effective date of this subdivision, all incumbent employees holding
2 the positions specified in subdivisions 1. and 3.. are transferred to the department
3 of administration.

4 (c) *Employee status.* Employees transferred under paragraph (b) 5. have all the
5 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
6 statutes in the department of administration that they enjoyed in the department
7 of corrections immediately before the transfer. Notwithstanding section 230.28 (4)
8 of the statutes, no employee so transferred who has attained permanent status in
9 class is required to serve a probationary period.

10 (d) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of corrections that
12 is primarily related to the youth diversion from gang activities program under
13 section 301.265, 1999 stats., as determined by the secretary of administration, is
14 transferred to the department of administration.

15 (e) *Pending matters.* Any matter pending with the department of corrections
16 on the effective date of this paragraph that is primarily related to the youth diversion
17 from gang activities program under section 301.265, 1999 stats., as determined by
18 the secretary of administration, is transferred to the department of administration.
19 All materials submitted to or actions taken by the department of corrections with
20 respect to the pending matter are considered as having been submitted to or taken
21 by the department of administration.

22 (f) *Contracts.* All contracts entered into by the department of corrections in
23 effect on the effective date of this paragraph that are primarily related to the youth
24 diversion from gang activities program under section 301.265, 1999 stats., as
25 determined by the secretary of administration, remain in effect and are transferred

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1 to the department of administration. The department of administration shall carry
2 out any obligations under those contracts unless modified or rescinded by the
3 department of administration to the extent allowed under the contract.

4 (g) *Rules and orders.* All rules promulgated by the department of corrections
5 in effect on the effective date of this paragraph that are primarily related to the youth
6 diversion from gang activities program under section 301.265, 1999 stats., remain
7 in effect until their specified expiration date or until amended or repealed by the
8 department of administration. All orders issued by the department of corrections in
9 effect on the effective date of this paragraph that are primarily related to the youth
10 diversion from gang activities program under section 301.265, 1999 stats., remain
11 in effect until their specified expiration date or until modified or rescinded by the
12 department of administration.

13 (2) REPORT ON EDUCATIONAL TECHNOLOGY SAVINGS. The department of corrections
14 shall submit a report to the department of administration by June 30, 2002, that
15 specifies any funding the department of corrections saved because secured
16 correctional facilities received grants or subsidies from the technology for
17 educational achievement in Wisconsin board.

18 **SECTION 9112. Nonstatutory provisions; court of appeals.**

19 **SECTION 9113. Nonstatutory provisions; district attorneys.**

20 **SECTION 9114. Nonstatutory provisions; educational communications**
21 **board.**

22 **SECTION 9115. Nonstatutory provisions; elections board.**

23 **SECTION 9116. Nonstatutory provisions; employee trust funds.**

24 **SECTION 9117. Nonstatutory provisions; employment relations**
25 **commission.**

SENATE BILL 55**SECTION 9118**

1 **SECTION 9118. Nonstatutory provisions; employment relations**
2 **department.**

3 **SECTION 9119. Nonstatutory provisions; ethics board.**

4 **SECTION 9120. Nonstatutory provisions; financial institutions.**

5 (1) **EMERGENCY RULES; UNIVERSAL BANKING.** Except as otherwise provided in this
6 subsection, using the procedure under section 227.24 of the statutes, the division of
7 banking may promulgate rules authorized under chapter 222 of the statutes, as
8 created by this act, for the period before permanent rules become effective, but not
9 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
10 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the division of
11 banking is not required to provide evidence that promulgating a rule under this
12 subsection as an emergency rule is necessary for the preservation of the public peace,
13 health, safety, or welfare and is not required to provide a finding of emergency for a
14 rule promulgated under this subsection. This subsection does not apply to the
15 promulgation of rules under section 222.0413 (2) (b) of the statutes, as created by this
16 act.

17 (2) **FEES CHARGED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS.**
18 Notwithstanding sections 178.48 (2) and (3), 179.16 (5), 179.88, 180.0122 (1) (z), (2),
19 and (4), 181.0122 (1) (zm), (2), and (4), 182.01 (4), 183.0114 (1) (t) and (u), and 185.83
20 (1) (d), (f), (fm), and (h) of the statutes, as affected by this act, the department of
21 financial institutions shall continue to charge and collect the fees established under
22 sections 178.48 (2) and (3), 179.16 (5), 179.88, 180.0122 (1) (z), (2), and (4), 181.0122
23 (1) (zm), (2), and (4), 182.01 (4), 183.0114 (1) (t) and (u), and 185.83 (1) (f), (fm), and
24 (h), 1999 stats., until the department has promulgated rules under section 182.01 (4)

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1 of the statutes, as affected by this act. This subsection shall not apply after December
2 31, 2002.

3 **SECTION 9121. Nonstatutory provisions; governor.**

4 (1) ASSISTANCE FROM DEPARTMENT OF WORKFORCE DEVELOPMENT. The repeal of
5 1999 Wisconsin Act 9, sections 11ac and 593ac, by this act applies notwithstanding
6 section 990.03 (3) of the statutes.

7 **SECTION 9122. Nonstatutory provisions; Health and Educational**
8 **Facilities Authority.**

9 **SECTION 9123. Nonstatutory provisions; health and family services.**

10 (1) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. Notwithstanding
11 sections 48.38 (3) and 938.38 (3) of the statutes, for children or juveniles who are
12 living in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of the
13 statutes, under an order of the court assigned to exercise jurisdiction under chapters
14 48 and 938 of the statutes, as affected by this act, on the day before the effective date
15 of this subsection, the agency assigned primary responsibility for providing services
16 to those children or juveniles under section 48.355 or 938.355 of the statutes shall
17 file a permanency plan with that court with respect to not less than 33% of those
18 children or juveniles by November 1, 2001, with respect to not less than 67% of those
19 children or juveniles by January 1, 2002, and with respect to all of those children or
20 juveniles by March 1, 2002, giving priority to those children or juveniles who have
21 been living in the home of a relative for the longest period of time. Notwithstanding
22 section 48.38 (5) (a) of the statutes, as affected by this act, and section 938.38 (5) (a)
23 of the statutes, as affected by this act, a permanency plan filed under this subsection
24 shall be reviewed within 6 months after the date on which the permanency plan is
25 filed.

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1 (2) RELATIVE GUARDIANSHIPS. Notwithstanding section 48.977 (2) (a), 1999
2 stats., a petition under section 48.977 (4) of the statutes, as affected by this act, may
3 be filed for the appointment of a relative as the guardian of the person of a child who
4 has been placed, or continued in a placement, outside of his or her home for less than
5 one year on the effective date of this subsection.

6 (3) CHILDREN'S HOME AND COMMUNITY-BASED WAIVER.

7 (a) The department of health and family services shall request a waiver of
8 federal medical assistance statutes and regulations from the federal department of
9 health and human services that are necessary to provide to disabled individuals
10 under 24 years of age, under one program, with uniform administration and service
11 delivery, the services available under sections 46.27 (11), 46.275, 46.277, 46.278,
12 46.985, and 51.44 of the statutes.

13 (b) If the department of health and family services receives the waiver under
14 paragraph (a), the department shall seek enactment of statutory language to
15 implement the waiver within the limits of available federal, state, and county funds.

16 (4) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD.

17 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
18 liabilities of the department of health and family services that are primarily related
19 to the functions of the adolescent pregnancy prevention and pregnancy services
20 board, as determined by the secretary of administration, shall become the assets and
21 liabilities of the department of administration.

22 (b) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of health and family
24 services that is primarily related to the functions of the adolescent pregnancy

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1 prevention and pregnancy services board, as determined by the secretary of
2 administration, is transferred to the department of administration.

3 (5) KINSHIP CARE BACKGROUND REVIEWS. The repeal of 1997 Wisconsin Act 27,
4 sections 1622d, 1623d, 1624d, and 9423 (10f) and 1997 Wisconsin Act 252, sections
5 51, 53, and 201 (1), by this act applies notwithstanding section 990.03 (3) of the
6 statutes.

7 (6) MEDICAL ASSISTANCE ELIGIBILITY POSITION INCREASES.

8 (a) On the effective date of this paragraph, the authorized FTE positions for the
9 department of health and family services are increased by 5.18 GPR positions, to be
10 funded from the appropriation under section 20.435 (4) (a) of the statutes, as affected
11 by the acts of 2001.

12 (b) On the effective date of this paragraph, the authorized FTE positions for the
13 department of health and family services are increased by 1.82 FED positions, to be
14 funded from the appropriation under section 20.435 (4) (n) of the statutes, as affected
15 by the acts of 2001.

16 (7) BADGER CARE HEALTH CARE PROGRAM WAIVER; INSURANCE VERIFICATION. Not
17 later than January 1, 2002, the department of health and family services shall
18 request a waiver from the federal secretary of health and human services to permit
19 the department to verify whether a family, or child who does not reside with a parent,
20 has access or has had access to employer-subsidized health care within the time
21 period established under section 49.665 (4) (a) 3. of the statutes, prior to enrolling
22 the family or child in the badger care health care program under section 49.665 of
23 the statutes.

24 (8) BADGER CARE HEALTH CARE PROGRAM WAIVER; ELIGIBILITY. Not later than
25 January 1, 2002, the department of health and family services shall request a waiver

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1 from the federal secretary of health and human services to increase the period of time
2 that a family, or a child who does not reside with a parent, is required to be without
3 access to employer-subsidized health care coverage before the family or child is
4 eligible for the badger care health care program under section 49.665 of the statutes.

5 The waiver shall request that the period of time be increased to all of the following:

6 (a) Except as provided in paragraphs (b), (c), and (d), 6 months.

7 (b) If the family or child had access to employer-subsidized health care
8 coverage during the 6 months immediately preceding the date on which the family
9 or child applies for the badger care health care program, but the family or child no
10 longer has access to the health care because the coverage was terminated, and the
11 termination was not the fault of the family or child, as determined by the department
12 of health and family services, 45 days.

13 (c) If the family or child had access to employer-subsidized health care
14 coverage during the 6 months immediately preceding the date on which the family
15 or child applies for the badger care health care program, but the family or child no
16 longer has access to the health care because the family or child has exhausted the
17 health care coverage available under 42 USC 300bb-1 to 300bb-8 as provided in 29
18 CFR 2590.701-2 (4), at least 3 months.

19 (d) If the family or child had access to employer-subsidized health care
20 coverage during the 6 months immediately preceding the date on which the family
21 or child applies for the badger care health care program, but the family or child no
22 longer has access to health care because of the termination of employment, at least
23 3 months.

24 **SECTION 9124. Nonstatutory provisions; higher educational aids**
25 **board.**

SENATE BILL 55**SECTION 9125**

1 **SECTION 9125. Nonstatutory provisions; historical society.**

2 **SECTION 9126. Nonstatutory provisions; Housing and Economic**
3 **Development Authority.**

4 **SECTION 9127. Nonstatutory provisions; insurance.**

5 **SECTION 9128. Nonstatutory provisions; investment board.**

6 **SECTION 9129. Nonstatutory provisions; joint committee on finance.**

7 **SECTION 9130. Nonstatutory provisions; judicial commission.**

8 **SECTION 9131. Nonstatutory provisions; justice.**

9 (1) TRANSFER OF DEPARTMENT OF JUSTICE CONSUMER PROTECTION LEGAL SERVICES
10 TO THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION.

11 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
12 liabilities of the department of justice that are primarily related to the provision of
13 consumer protection legal services, as determined by the secretary of
14 administration, shall become the assets and liabilities of the department of
15 agriculture, trade and consumer protection.

16 (b) *Position increases.* The authorized FTE positions for the department of
17 justice are decreased by 9.30 GPR positions, funded from the appropriation under
18 section 20.455 (1) (a) of the statutes, for the performance of duties primarily related
19 to consumer protection legal services.

20 (c) *Employee transfers.* There are transferred from the department of justice
21 to the department of agriculture, trade and consumer protection 9.30 FTE
22 incumbent employees holding positions in the department of justice performing
23 duties primarily related to consumer protection legal services.

24 (d) *Employee status.* Employees transferred under paragraph (c) have the
25 same rights and status under subchapter V of chapter 111 and chapter 230 of the

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1 statutes in the department of agriculture, trade and consumer protection that they
2 enjoyed in the department of justice immediately before the transfer.
3 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
4 has attained permanent status in class is required to serve a probationary period.

5 (e) *Tangible personal property.* On the effective date of this paragraph, all
6 tangible personal property, including records, of the department of justice that is
7 primarily related to the provision of consumer protection legal services, as
8 determined by the secretary of administration, shall be transferred to the
9 department of agriculture, trade and consumer protection.

10 (f) *Contracts.* All contracts entered into by the department of justice in effect
11 on the effective date of this paragraph that are primarily related to the provision of
12 consumer protection legal services, as determined by the secretary of
13 administration, remain in effect and are transferred to the department of
14 agriculture, trade and consumer protection. The department of agriculture, trade
15 and consumer protection shall carry out any such contractual obligations unless
16 modified or rescinded by the department of agriculture, trade and consumer
17 protection to the extent allowed under the contract.

18 (g) *Rules and orders.* All rules promulgated by the department of justice that
19 are primarily related to the provision of consumer protection legal services, as
20 determined by the secretary of administration, and that are in effect on the effective
21 date of this paragraph remain in effect until their specified expiration dates or until
22 amended or repealed by the department of agriculture, trade and consumer
23 protection. All orders issued by the department of justice that are primarily related
24 to the provision of consumer protection legal services, as determined by the secretary
25 of administration, and that are in effect on the effective date of this paragraph

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1 remain in effect until their specified expiration dates or until modified or rescinded
2 by the department of agriculture, trade and consumer protection.

3 (h) *Pending matters.* Any matter pending with the department of justice on the
4 effective date of this paragraph that is primarily related to the provision of consumer
5 protection legal services, as determined by the secretary of administration, is
6 transferred to the department of agriculture, trade and consumer protection and all
7 materials submitted to or actions taken by the department of justice with respect to
8 the pending matter are considered as having been submitted to or taken by the
9 department of agriculture, trade and consumer protection.

10 **SECTION 9132. Nonstatutory provisions; legislature.**

11 (1) REVIEW OF KETTL COMMISSION REPORT. The joint committee on legislative
12 organization is requested to review the report issued by the Commission on
13 State-Local Partnerships for the 21st Century as it relates to the state aid to counties
14 for human services and justice services. The committee is requested to make
15 recommendations to the legislature based on that review, including
16 recommendations regarding all of the following issues:

17 (a) Which, if any, human services and justice services should become the state's
18 responsibility.

19 (b) What should be the timetable for any state takeover of any human services
20 and justice services.

21 (c) What performance outcomes should be established for any human services
22 and justice services assumed by the state.

23 (d) What state or local agency or department or other entity should deliver the
24 human services and justice services assumed by the state.

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1 (e) How would the state fund any human services and justice services assumed
2 by the state, considering the funds currently available to the counties for these
3 services under the shared revenue program.

4 (f) Whether any of these human services and justice services should be provided
5 by a private agency or business.

6 **SECTION 9133. Nonstatutory provisions; lieutenant governor.**

7 **SECTION 9134. Nonstatutory provisions; lower Wisconsin state**
8 **riverway board.**

9 **SECTION 9135. Nonstatutory provisions; Medical College of Wisconsin.**

10 **SECTION 9136. Nonstatutory provisions; military affairs.**

11 (1) REPORT ON BADGER CHALLENGE PROGRAM AND YOUTH CHALLENGE PROGRAM.
12 Notwithstanding section 16.42 (1) of the statutes, the department of military affairs
13 shall include, as part of its 2003-05 biennial budget request that it submits to the
14 department of administration, a report on the effectiveness of the Badger Challenge
15 program under section 21.25 of the statutes and of the Youth Challenge program
16 under section 21.26 of the statutes.

17 **SECTION 9137. Nonstatutory provisions; natural resources.**

18 (1) DRY CLEANER ENVIRONMENTAL RESPONSE PROGRAM DEDUCTIBLE. The
19 department of natural resources shall identify any award made under section 292.65
20 of the statutes using the deductible under section 292.65 (8) (e) 3., 1999 stats., and
21 recalculate the award using the deductible under section 292.65 (8) (e) of the
22 statutes, as affected by this act. Before July 1, 2002, the department shall pay to the
23 recipient the difference between the amount of the original award and the amount
24 as recalculated under this subsection.

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1 (2) FOX RIVER NAVIGATIONAL SYSTEM AUTHORITY; INITIAL TERMS. Notwithstanding
2 the length of terms of the members of the board of directors of the authority specified
3 in section 237.02 (1) (a) of the statutes, as created by this act, the initial members
4 shall be appointed for the following terms:

5 (a) Three members for a term that expires on July 1, 2004.

6 (b) Three members for a term that expires on July 1, 2005.

7 (3) FINANCIAL ASSISTANCE FOR REGIONAL RECYCLING PROGRAMS. On or before
8 September 15, 2002, the department of natural resources shall submit to the
9 department of administration a proposal for changing the method for determining
10 the amount of financial assistance provided under section 287.23 of the statutes to
11 encourage regional recycling programs.

12 (4) REGIONAL RECYCLING PROGRAM GRANTS. Using the procedure under section
13 227.24 of the statutes, the department of natural resources may promulgate the
14 rules required under section 287.24 (4) of the statutes, as created by this act, for the
15 period before the effective date of the permanent rule promulgated under section
16 287.24 (4) of the statutes, as created by this act, but not to exceed the period
17 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
18 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
19 to provide evidence that promulgating a rule under this subsection as an emergency
20 rule is necessary for the preservation of the public peace, health, safety, or welfare
21 and is not required to provide a finding of emergency for a rule promulgated under
22 this subsection.

23 (5) STATE TRAILS PLAN. The department of natural resources shall, no later than
24 July 1, 2002, submit to the governor a plan to accomplish the objective of connecting

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1 all trails that are designated as state trails under section 23.175 of the statutes on
2 the effective date of this subsection. The plan shall contain all of the following:

3 (a) A requirement that the department of natural resources work cooperatively
4 with other state agencies, political subdivisions, federal agencies, and
5 nongovernmental organizations to accomplish the plan's objective and a method for
6 obtaining this cooperation.

7 (b) An implementation schedule for accomplishing the plan's objective.

8 (c) A completion date by which the state trails that are covered by the plan will
9 be connected.

10 (d) A description of the costs that will be incurred in connecting the state trails
11 covered by the plan.

12 (e) A description of how the costs under paragraph (d) will be funded.

13 **SECTION 9138. Nonstatutory provisions; personnel commission.**

14 **SECTION 9139. Nonstatutory provisions; public defender board.**

15 (1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The public defender board, in
16 consultation with the director of state courts and the Wisconsin District Attorneys
17 Association, shall develop alternative charging and sentencing options for
18 misdemeanor crimes in order to divert misdemeanor offenders from imprisonment,
19 and shall submit a proposal describing the recommended options to the department
20 of administration by July 1, 2002. The proposal shall address, among other topics,
21 alternative charging and sentencing options for nonviolent crimes against property.
22 Upon approval of the proposal by the department of administration, the public
23 defender board and the director of state courts shall implement, in conjunction with
24 the Wisconsin District Attorneys Association, the portions of the proposal that are
25 permitted under state statutes or rules.

SENATE BILL 55**SECTION 9140****1 SECTION 9140. Nonstatutory provisions; public instruction.**

2 (1) ESTIMATE OF MENTOR COSTS. By July 1, 2003, the department of public
3 instruction shall submit to the department of administration and the legislative
4 fiscal bureau an estimate of the costs of requiring school districts to provide a
5 qualified mentor for each person who holds an initial educator license, as provided
6 under section PI 34.17 (2) (c), Wisconsin Administrative Code.

7 (2) COMMENCEMENT OF SCHOOL TERM; STUDY.

8 (a) Notwithstanding section 118.045 (3) of the statutes, as affected by this act,
9 a public school may not conduct classes on August 31, 2001, or on August 30, 2002.

10 (b) There is created a committee to study the educational and economic effects
11 of prohibiting school districts from beginning the school term until September 1. The
12 committee shall consist of 9 members appointed by the governor. One member shall
13 be a teacher licensed by the department of public instruction; one member shall be
14 a parent of a pupil enrolled in a public school in this state; one member shall be a
15 school board member selected from a list of nominees submitted by the Wisconsin
16 School Boards Association; one member shall be a school district administrator
17 selected from a list of nominees submitted by the Wisconsin Association of School
18 District Administrators; one member shall be an employer selected from a list of
19 nominees submitted by Wisconsin manufacturers and commerce; one member shall
20 be a person selected from a list of nominees submitted by the Wisconsin Restaurant
21 Association; one member shall be a person selected from a list of nominees submitted
22 by the Wisconsin Tourism Association; one member shall be a member of the general
23 public; and one member shall be the secretary of commerce or his or her designee.
24 The governor shall name the chairperson of the committee. By December 1, 2002,
25 the committee shall report its findings and recommendations to the governor and to

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1 the legislature in the manner provided in section 13.172 (2) of the statutes. The
2 committee terminates on the date it submits its findings and recommendations.

3 (3) REVIEW OF THE DEPARTMENT'S RULES.

4 (a) There is created a committee for the review of rules promulgated by the
5 department of public instruction. The committee shall consist of the following
6 members appointed by the governor:

7 1. Three school board members selected from names submitted by the
8 Wisconsin Association of School Boards.

9 2. Three school district administrators selected from names submitted by the
10 Wisconsin Association of School District Administrators.

11 3. Three teachers selected from names submitted by organizations
12 representing teachers.

13 4. Two other members, one of whom is the parent of a school-aged child.

14 (b) The governor shall name the chairperson of the committee. The department
15 of public instruction shall provide staff for the committee.

16 (c) The committee shall review all of the administrative rules promulgated by
17 the department of public instruction other than rules relating to special education
18 and health and safety issues. The committee shall identify those rules that are
19 outmoded, impede innovation, cause inefficiencies, or fail to promote academic
20 achievement, and those rules that should not apply to school districts that are
21 designated as school districts with expanded flexibility under section 118.39 of the
22 statutes, as created by this act. By August 1, 2002, the committee shall submit to
23 the governor, the department of public instruction, the secretary of administration,
24 and the legislature in the manner provided under section 13.172 (2) of the statutes,

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1 a report recommending modifications to the rules. The committee terminates upon
2 submission of its report.

3 (d) The department of public instruction shall review the committee's report.
4 By March 1, 2003, the department shall submit to the legislative council staff under
5 section 227.15 (1) of the statutes proposed modifications to the rules based on the
6 committee's recommendations.

7 (4) REORGANIZATION OF DEPARTMENT.

8 (a) In consultation with the secretary of administration, the state
9 superintendent of public instruction shall develop a plan for reorganizing the
10 division for learning support and instructional services in the department of public
11 instruction in order to enhance the department's ability to support the improvement
12 of schools. The plan shall do all of the following:

13 1. Establish in the division for learning support and instructional services a
14 bureau for school improvement composed of staff in that division and federally
15 funded staff in the division for learning support, equity, and advocacy.

16 2. Organize the bureau for school improvement into multidisciplinary school
17 improvement teams to provide on-site, technical assistance to school districts,
18 especially to school districts and schools that are identified as low in performance
19 under section 115.38 of the statutes, as affected by this act.

20 3. Include on each school improvement team licensed teachers who are
21 employed by school districts and temporarily assigned to the department.

22 4. Ensure that the department has the resources and staff necessary to assist
23 school districts in developing and implementing decentralized school governance
24 plans.

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1 (b) By March 15, 2002, the department of public instruction shall submit the
2 reorganization plan under paragraph (a) to the governor and to the secretary of
3 administration.

4 (c) Of the amount appropriated to the department of public instruction under
5 section 20.255 (1) (a) of the statutes in the 2002-03 fiscal year, the department shall
6 allocate \$700,000 for the purpose of contracting with school districts for the services
7 of licensed teachers under section 115.385 (3) of the statutes, as created by this act.
8 The department of public instruction may not encumber or expend the money so
9 allocated unless the secretary of administration determines that the reorganization
10 plan under paragraph (a) has been implemented.

11 (5) SCHOOL PERFORMANCE COMMITTEE. There is created a school performance
12 committee, composed of 3 employees of the department of public instruction,
13 appointed by the state superintendent of public instruction, and 3 members
14 appointed by the governor. The governor shall appoint the committee's chair. The
15 committee shall develop criteria for awarding grants under section 115.415 of the
16 statutes, as created by this act, and shall submit the proposed criteria to the
17 department of public instruction no later than June 30, 2002. The committee
18 terminates on June 30, 2002, or the date by which it submits the proposed criteria,
19 whichever is earlier.

20 (6) TRANSFER OF FUNCTIONS TO BOARD ON EDUCATION EVALUATION AND
21 ACCOUNTABILITY.

22 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
23 liabilities of the department of public instruction primarily related to the functions
24 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as

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1 determined by the secretary of administration, become the assets and liabilities of
2 the board on education evaluation and accountability.

3 (b) *Employee transfers.* All incumbent employees holding positions in the
4 department of public instruction performing duties primarily related to the
5 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
6 determined by the secretary of administration, are transferred on the effective date
7 of this paragraph to the board on education evaluation and accountability.

8 (c) *Employee status.* Employees transferred under paragraph (b) have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the board on education evaluation and accountability that they enjoyed
11 in the department of public instruction immediately before the transfer.
12 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
13 has attained permanent status in class is required to serve a probationary period.

14 (d) *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property, including records, of the department of public instruction
16 that is primarily related to the functions under sections 115.38, 118.30, 118.43 (7),
17 and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, is
18 transferred to the board on education evaluation and accountability.

19 (e) *Contracts.* All contracts entered into by the department of public instruction
20 in effect on the effective date of this paragraph that are primarily related to the
21 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
22 determined by the secretary of administration, remain in effect and are transferred
23 to the board on education evaluation and accountability. The board on education
24 evaluation and accountability shall carry out any obligations under such a contract

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1 until the contract is modified or rescinded by the board on education evaluation and
2 accountability to the extent allowed under the contract.

3 (f) *Rules and orders.* All rules promulgated by the department of public
4 instruction that are in effect on the effective date of this paragraph and that relate
5 to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999
6 stats., as determined by the secretary of administration, are transferred to the board
7 on education evaluation and accountability and remain in effect until their specified
8 expiration date or until amended or repealed by the board on education evaluation
9 and accountability. All orders issued by the department of public instruction that are
10 in effect on the effective date of this paragraph and that relate to the functions under
11 sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by
12 the secretary of administration, are transferred to the board on education evaluation
13 and accountability and remain in effect until their specified expiration date or until
14 modified or rescinded by the board on education evaluation and accountability.

15 (g) *Pending matters.* Any matter pending with the department of public
16 instruction on the effective date of this paragraph that is related to the functions
17 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
18 determined by the secretary of administration, is transferred to the board on
19 education evaluation and accountability and all materials submitted to or actions
20 taken by the department of public instruction with respect to the pending matter are
21 considered as having been submitted to or taken by the board on education
22 evaluation and accountability.

23 **SECTION 9141. Nonstatutory provisions; public lands, board of**
24 **commissioners of.**

25 **SECTION 9142. Nonstatutory provisions; public service commission.**

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1 (1) **EMPLOYEE TRANSFER.** On the effective date of this subsection, the authorized
2 FTE positions for the office of the commissioner of railroads in the public service
3 commission are decreased by 1.0 PR attorney position, funded from the
4 appropriation under section 20.155 (2) (g) of the statutes, providing services related
5 to railroad crossing hearings. On the effective date of this subsection, the incumbent
6 employee in the position identified in this subsection, as determined by the secretary
7 of administration, shall be transferred to the division of hearings and appeals in the
8 department of administration. The employee transferred under this subsection has
9 all of the rights and the same status under subchapter V of chapter 111 and chapter
10 230 of the statutes in the department of administration that the employee enjoyed
11 in the public service commission immediately before the transfer. Notwithstanding
12 section 230.28 (4) of the statutes, no employee so transferred who has attained
13 permanent status in class is required to serve a probationary period.

14 (2) **TRANSITIONAL PROVISIONS; WATER AND SEWER SERVICE TO MANUFACTURED HOME**
15 **PARKS.** On the effective date of this subsection, each of the following applies:

16 (a) *Assets and liabilities.* The assets and liabilities of the public service
17 commission primarily related to the regulation of water and sewer service provided
18 to manufactured home parks, as determined by the secretary of administration, shall
19 become the assets and liabilities of the department of commerce.

20 (b) *Tangible personal property.* All tangible personal property, including
21 records, of the public service commission primarily related to the regulation of water
22 and sewer service provided to manufactured home parks, as determined by the
23 secretary of administration, is transferred to the department of commerce.

24 (c) *Contracts.* All contracts entered into by the public service commission in
25 effect on the effective date of this paragraph that are primarily related to the

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1 regulation of water and sewer service provided to manufactured home parks, as
2 determined by the secretary of administration, remain in effect and are transferred
3 to the department of commerce. The department of commerce shall carry out any
4 obligations under such a contract until the contract is modified or rescinded by the
5 department of commerce to the extent allowed under the contract.

6 (d) *Rules and orders.* All rules promulgated by the public service commission
7 that are in effect on the effective date of this paragraph and that are primarily related
8 to the regulation of water and sewer service provided to manufactured home parks,
9 as determined by the secretary of administration, remain in effect until their
10 specified expiration date or until amended or repealed by the department of
11 commerce. All orders issued by the public service commission that are in effect on
12 the effective date of this paragraph and that are primarily related to the regulation
13 of water and sewer service provided to manufactured home parks, as determined by
14 the secretary of administration, remain in effect until their specified expiration date
15 or until modified or rescinded by the department of commerce.

16 (e) *Pending matters.* Any matter pending with the public service commission
17 on the effective date of this paragraph and that is primarily related to the regulation
18 of water and sewer service provided to manufactured home parks, as determined by
19 the secretary of administration, is transferred to the department of commerce and
20 all materials submitted to or actions taken by the public service commission with
21 respect to the pending matter are considered as having been submitted to or taken
22 by the department of commerce.

SECTION 9143. Nonstatutory provisions; regulation and licensing.

24 (1) RESTORATION OF FUNERAL DIRECTOR'S LICENSES.

25 (a) *Definitions.* In this subsection:

SENATE BILL 55**SECTION 9143**

1 1. "Board" means the funeral directors examining board.

2 2. "Department" means the department of regulation and licensing.

3 (b) *Licenses granted or last renewed before July 1, 1995.* Notwithstanding
4 section 440.08 (3) (b) of the statutes and section 445.06 of the statutes, as affected
5 by this act, the board shall restore the funeral director's license of a person who holds
6 a valid certificate in good standing as a funeral director that was granted under
7 section 445.06, 1999 stats., if the funeral director's license was granted or last
8 renewed before July 1, 1995, and the person does each of the following:

9 1. No later than the first day of the 12th month beginning after the effective
10 date of this subdivision, applies for restoration of the license on a form provided by
11 the department.

12 2. Provides evidence satisfactory to the board that he or she has completed at
13 least 15 hours of continuing education in courses approved by the board during the
14 2-year period immediately preceding the date of his or her application under
15 subdivision 1.

16 3. Demonstrates competence as a funeral director by a method satisfactory to
17 the board, including by successfully passing a written or oral examination or
18 providing documentation satisfactory to the board of professional experience in other
19 jurisdictions or of educational or other professional experience. No examination
20 required under this subdivision may be more stringent than the examination on
21 Wisconsin law that is used to test applicants for licensure by reciprocity under
22 section 445.08 of the statutes.

23 (c) *Licenses granted or last renewed on or after July 1, 1995.* Notwithstanding
24 section 440.08 (3) (b) of the statutes and section 445.06 of the statutes, as affected
25 by this act, the board shall restore the funeral director's license of a person who holds

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1 a valid certificate in good standing as a funeral director that was granted under
2 section 445.06, 1999 stats., if the funeral director's license was granted or last
3 renewed on or after July 1, 1995, and the person does each of the following:

4 1. No later than the first day of the 12th month beginning after the effective
5 date of this subdivision, applies for restoration of the license on a form provided by
6 the department.

7 2. Provides evidence satisfactory to the board that he or she has completed at
8 least 15 hours of continuing education in courses approved by the board during the
9 2-year period immediately preceding the date of his or her application under
10 subdivision 1.

11 (d) *Waiver of fees.* Notwithstanding section 440.05 (1) (b) of the statutes, as
12 affected by this act, and section 440.08 (3) (a) of the statutes, no fee may be charged
13 for an examination or restoration of a license under this subsection.

14 (2) PRIVATE DETECTIVE AGENCIES. Notwithstanding sections 440.08 (2) (a) 62.
15 and 440.26 (3) of the statutes, as affected by this act, a person that applies to renew
16 a private detective license that expires on September 1, 2001, is required to pay a
17 renewal fee of 50% of the amount specified in section 440.08 (2) (a) 62. of the statutes,
18 as affected by this act.

19 **SECTION 9144. Nonstatutory provisions; revenue.**

20 (1) INCOME APPORTIONMENT FOR FINANCIAL ORGANIZATIONS; RULES. The
21 department of revenue shall submit in proposed form rules related to the
22 apportionment of the income of financial organizations under sections 71.04 (4) (e)
23 and 71.25 (6) (e) of the statutes, as created by this act, to the legislative council staff
24 under section 227.15 (1) of the statutes no later than the first day of the 4th month
25 beginning after the effective date of this subsection.

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1 (2) STUDY ON PROMOTING ECONOMIC GROWTH. The department of revenue shall
2 study options for restructuring shared revenue and tax incremental financing to
3 encourage high-growth sectors of the economy and the creation of high-quality jobs
4 in this state. The study shall include considering using up to 10% of the amount
5 distributed to counties and municipalities under section 79.03 of the statutes, as
6 affected by this act, to match local efforts to encourage creation of high-quality jobs
7 in this state. No later than January 1, 2003, the department of revenue shall report
8 the result of its study to the secretary of administration.

9 **SECTION 9145. Nonstatutory provisions; secretary of state.**

10 **SECTION 9146. Nonstatutory provisions; state fair park board.**

11 (1) STATE FAIR PARK POLICE SERVICES.

12 (a) On the effective date of this paragraph, all full-time equivalent positions
13 in the state fair park board having duties primarily related to the state fair park
14 police and the incumbents in those positions, as determined by the secretary of
15 administration, are transferred to the department of administration.

16 (b) Employees transferred under paragraph (a) have all the rights and the
17 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the
18 department of administration that they enjoyed in the state fair park board
19 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
20 no employee so transferred who has attained permanent status in class is required
21 to serve a probationary period.

22 **SECTION 9147. Nonstatutory provisions; supreme court.**

23 (1) COURT INTERPRETER TRAINING. The supreme court is requested to cooperate
24 with the technical college system board in the development and implementation of
25 a curriculum and testing program for training qualified interpreters.

SENATE BILL 55**SECTION 9148**

1 **SECTION 9148. Nonstatutory provisions; technical college system.**

2 **SECTION 9149. Nonstatutory provisions; technology for educational**
3 **achievement in Wisconsin board.**

4 (1) GRANTS FOR PUPIL TECHNOLOGY SUPPORT. In the 2001-03 fiscal biennium,
5 from the appropriation under section 20.275 (1) (m) of the statutes, the technology
6 for educational achievement in Wisconsin board shall award grants to school
7 districts to train pupils to provide educational technology support services to the
8 school districts in which they are enrolled. The board may award no more than
9 \$500,000 in grants in each fiscal year. The board shall award the grants in
10 consultation with the board of regents of the University of Wisconsin System and the
11 state technical college system board.

12 (2) ALTERNATIVE TECHNOLOGY STUDY.

13 (a) In the 2001-02 fiscal year, the technology for educational achievement in
14 Wisconsin board shall conduct a study of emerging technology products, services,
15 and applications for distance learning in primary and secondary schools. The board
16 shall conduct approximately 6 pilot projects, and may expend up to \$500,000 from
17 the appropriation under section 20.275 (1) (m) of the statutes and up to \$250,000
18 from the appropriation under section 20.275 (1) (s) of the statutes, as affected by this
19 act, for the purpose of conducting the study.

20 (b) Notwithstanding section 196.218 (5) of the statutes, as affected by this act,
21 moneys in the universal service fund may be used for the purposes of paragraph (a).

22 (c) The board shall report its findings to the governor, and to the legislature in
23 the manner provided under section 13.172 (2) of the statutes, by January 31, 2003.

24 **SECTION 9150. Nonstatutory provisions; tobacco control board.**

25 **SECTION 9151. Nonstatutory provisions; tourism.**

SENATE BILL 55**SECTION 9152****1 SECTION 9152. Nonstatutory provisions; transportation.**

2 (1) EMPLOYEE TRANSFER. On the effective date of this subsection, 1.0 FTE
3 position in the department of transportation performing duties primarily related to
4 printing services, as determined by the secretary of administration, and the
5 incumbent employee holding that position, is transferred to the department of
6 administration. The employee transferred under this subsection has all the rights
7 and the same status under subchapter V of chapter 111 and chapter 230 of the
8 statutes in the department of administration that the employee enjoyed in the
9 department of transportation immediately before the transfer. Notwithstanding
10 section 230.28 (4) of the statutes, no employee so transferred who has attained
11 permanent status in class is required to serve a probationary period.

12 (2) POSITION AUTHORIZATION; EMPLOYEE TRANSFER.

13 (a) The authorized FTE positions for the department of transportation are
14 decreased by 1.0 SEG position for the performance of duties primarily related to
15 printing services.

16 (b) On the effective date of this paragraph, 1.0 FTE position in the department
17 of transportation performing duties primarily related to printing services and the
18 incumbent employee holding that position, as determined by the secretary of
19 administration, are transferred to the department of administration. The employee
20 transferred under this paragraph has all the rights and the same status under
21 subchapter V of chapter 111 and chapter 230 of the statutes in the department of
22 administration that the employee enjoyed in the department of transportation
23 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
24 no employee so transferred who has attained permanent status in class is required
25 to serve a probationary period.

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1 (3) AIRPORT FINANCING COMMITTEE. There is created an airport financing
2 committee consisting of members appointed by the governor. The governor shall
3 appoint members representing the department of transportation, the department of
4 commerce, airport managers, airlines serving this state, the general aviation
5 community, the people of this state, and private businesses having an interest in
6 transportation policy and financing. The committee shall select its officers and the
7 person appointed chairperson shall call the committee's first meeting. The
8 committee shall review and evaluate this state's airport system needs and the
9 current system of funding those needs and shall recommend changes, if any, to better
10 meet those needs. The committee shall evaluate, among other things: aircraft
11 registration fees; aviation fuel taxes and fees; allocation of sales tax receipts from the
12 sale of aircraft, parts, and services to the appropriation account under section 20.395
13 (2) (dr) of the statutes, as created by this act, and allocation of other moneys to that
14 appropriation account. The committee's recommendations, if any, should, if enacted,
15 generate revenue in amounts equal to or greater than the sum of moneys
16 appropriated for aeronautical activities in fiscal year 2002. Not later than December
17 31, 2002, the committee shall submit a report containing the committee's evaluation,
18 findings, and recommendations to the governor, and to the legislature in the manner
19 provided under section 13.172 (2) of the statutes.

20 (4) GRANTS TO LOCAL PROFESSIONAL FOOTBALL STADIUM DISTRICTS. From the
21 appropriation under section 20.395 (1) (gr) of the statutes, as created by this act, the
22 department of transportation may award grants to a local professional football
23 stadium district created under subchapter IV of chapter 229 of the statutes. This
24 subsection does not apply after June 30, 2002.

SENATE BILL 55**SECTION 9152**

1 (5) **PARKING FACILITY GRANT.** The department of transportation shall award a
2 grant of \$420,700 to the city of Kenosha from the appropriation under section 20.395
3 (1) (bs) of the statutes, as affected by this act, in fiscal year 2001-02 to provide 50%
4 of the local share required for a congestion mitigation and air quality improvement
5 project under section 85.245 of the statutes relating to a parking facility in the city
6 of Kenosha. No grant may be awarded under this subsection unless the city of
7 Kenosha makes a matching fund contribution toward the local share required for the
8 project that is equal to the amount of the grant awarded under this subsection.

9 **SECTION 9153. Nonstatutory provisions; treasurer.**

10 (1) **REPORT OF ABANDONED PROPERTY.** Notwithstanding section 177.17 (4) (a) 1.
11 of the statutes, as affected by this act, if this subsection takes effect after October 31,
12 2001, the report due under section 177.17 (4) (a) 1. of the statutes, as affected by this
13 act, by November 1, 2002, shall cover the 2 preceding calendar years.

14 (2) **SERVICE CHARGES CONCERNING ABANDONED PROPERTY.** Notwithstanding
15 section 177.06 (3) (b) of the statutes, as affected by this act, if this subsection takes
16 effect after October 31, 2001, a holder may assess a service charge on or before
17 December 31 of the 2nd calendar year covered in the report required by November
18 1, 2002, under section 177.17 (4) (a) 1. of the statutes, as affected by this act, with
19 respect to any property that is described in section 177.06 (1) of the statutes and that
20 is required to be listed in the report.

21 **SECTION 9154. Nonstatutory provisions; University of Wisconsin**
22 **Hospitals and Clinics Authority.**

23 **SECTION 9155. Nonstatutory provisions; University of Wisconsin**
24 **Hospitals and Clinics Board.**

SENATE BILL 55**SECTION 9156**

1 **SECTION 9156. Nonstatutory provisions; University of Wisconsin**
2 **System.**

3 (1) POSITIONS. Notwithstanding section 16.505 (2p) (a) of the statutes, as
4 created by this act, the board of regents of the University of Wisconsin System may,
5 for the 2001-02 academic year, create or abolish a full-time equivalent academic
6 staff or faculty position or portion thereof from revenues appropriated under section
7 20.285 (1) (a) of the statutes if the board of regents submits a request to the
8 department of administration by September 1, 2001, containing a clear explanation
9 of how the requested position will be filled and the department approves the request.

10 **SECTION 9157. Nonstatutory provisions; veterans affairs.**

11 (1) SERVICING PRIMARY MORTGAGE LOANS.

12 (a) *Plan.* The department of veterans affairs and the department of
13 administration shall develop a plan for the most cost-effective method of servicing
14 loans purchased under section 45.79 (5) (a) 10. of the statutes, as created by this act.

15 (b) *Funding.* The secretary of administration may not direct that moneys
16 appropriated to the department of veterans affairs under section 20.485 (3) (wd),
17 (wg), and (wp) of the statutes, as created by this act, be encumbered or expended until
18 after the plan developed under paragraph (a) is completed.

19 (c) *Escrow payments.* Notwithstanding section 45.79 (5) (a) of the statutes, as
20 affected by this act, the department of veterans affairs may not hold monthly escrow
21 payments made by borrowers until after the plan developed under paragraph (a) is
22 completed.

23 (2) EYE AND DENTAL CARE GRANTS. Using the procedure under section 227.24 of
24 the statutes, the department of veterans affairs shall promulgate rules required
25 under section 45.351 (2m) of the statutes, as created by this act, for the period before

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1 the effective date of the permanent rules required under section 45.351 (2m) of the
2 statutes, as created by this act, but not to exceed the period authorized under section
3 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b),
4 and (3) of the statutes, the department is not required to provide evidence that
5 promulgating a rule under this subsection as an emergency rule is necessary for the
6 preservation of the public peace, health, safety, or welfare and is not required to
7 provide a finding of emergency for a rule promulgated under this subsection.

8 (3) TRANSFER OF APPROVAL OF VETERANS TRAINING.

9 (a) *Transfer of positions and employees.* On the effective date of this paragraph,
10 3.0 FTE FED positions in the educational approval board, and the incumbent
11 employees holding those positions, are transferred to the department of veterans
12 affairs. The educational approval board and the department of veterans affairs shall
13 jointly determine the employees to be transferred under this paragraph and shall
14 jointly develop a plan for the orderly transfer thereof. In the event of any
15 disagreement between the educational approval board and the department of
16 veterans affairs, the secretary of administration shall resolve the dispute and shall
17 develop a plan for the orderly transfer thereof.

18 (b) *Employee status.* Employees transferred under paragraph (a) have all the
19 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
20 statutes in the department of veterans affairs that they enjoyed in the educational
21 approval board immediately before the transfer. Notwithstanding section 230.28 (4)
22 of the statutes, no employee so transferred who has attained permanent status in
23 class is required to serve a probationary period.

24 (4) EDUCATION CENTER GRANT. From the appropriation under section 20.485 (2)
25 (vj) of the statutes, as created by this act, the department of veteran affairs may

SENATE BILL 55**SECTION 9157**

1 provide, in the 2001-03 fiscal biennium, one grant of \$100,000 to the Wisconsin
2 Veterans War Memorial/Milwaukee, Inc., for a veterans education center.

3 (5) REGIONAL SERVICE DELIVERY CENTERS REPORT. Not later than June 30, 2003,
4 the department of veterans affairs shall submit a report on the performance of the
5 regional service delivery centers, including each center's video conferencing system,
6 to the department of administration.

7 **SECTION 9158. Nonstatutory provisions; workforce development.**

8 (1) TRANSFER OF POSITION AND INCUMBENT EMPLOYEE; REHABILITATION SERVICES.

9 (a) *Position transfer.*

10 1. On the effective date of this subdivision, the authorized FTE positions for the
11 department of workforce development, funded from the appropriation under section
12 20.445 (5) (kx) of the statutes, are decreased by 1.0 PR-S position having
13 responsibility for the rehabilitation of injured state employees.

14 2. On the effective date of this subdivision, the authorized FTE positions for the
15 department of administration, funded from the appropriation under section 20.505
16 (2) (ki) of the statutes, are increased by 1.0 PR-S position having responsibility for
17 the rehabilitation of injured state employees.

18 3. On the effective date of this subdivision, the incumbent employee holding the
19 position specified in subdivision 1. is transferred to the department of
20 administration.

21 (b) *Employee status.* The employee transferred under paragraph (a) 3. shall
22 have all the same rights and the same status under subchapter V of chapter 111 and
23 chapter 230 of the statutes in the department of administration that the employee
24 enjoyed in the department of workforce development immediately before the
25 transfer. Notwithstanding section 230.28 (4) of the statutes, if the employee so

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1 transferred has attained permanent status in class, that employee is not required to
2 serve a probationary period.

3 (2) TRANSFER OF POSITION AND INCUMBENT EMPLOYEE; ELECTRICIAN.

4 (a) *Position transfer.*

5 1. On the effective date of this subdivision, the authorized FTE positions for the
6 department of workforce development, funded from the appropriation under section
7 20.445 (1) (kc) of the statutes, are decreased by 1.0 PR-S position having
8 responsibility for small projects requiring the services of an electrician.

9 2. On the effective date of this subdivision, the authorized FTE positions for the
10 department of workforce administration, funded from the appropriation under
11 section 20.505 (5) (ka) of the statutes, as affected by this act, are increased by 1.0
12 PR-S position having responsibility for small projects requiring the services of an
13 electrician.

14 3. On the effective date of this subdivision, the incumbent employee holding the
15 position specified in subdivision 1. is transferred to the department of
16 administration.

17 (b) *Employee status.* The employee transferred under paragraph (a) 3. shall
18 have all the same rights and the same statutes under subchapter V of chapter 111
19 and chapter 230 of the statutes in the department of workforce development
20 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
21 if the employee so transferred has attained permanent status in class, that employee
22 is not required to serve a probationary period.

23 (3) STUDY ON COST OF OPERATING RECEIPT AND DISBURSEMENT SYSTEM. The
24 department of workforce development shall study what it would cost the department
25 to operate the statewide automated support and maintenance receipt and

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1 disbursement system under section 767.29 of the statutes, as affected by this act,
2 including the number of employees that would be required to perform the functions.
3 In the study, the department shall differentiate between the cost of initially taking
4 over the operation of the system and the cost of operating the system annually
5 thereafter and shall compare those costs with the current and anticipated future cost
6 of paying its designee to operate the system. No later than December 31, 2001, the
7 department of workforce development shall submit a report on the results of the
8 study, including the department's conclusions and recommendations, to the
9 secretary of administration.

10 (4) ELIMINATION OF WISCONSIN CONSERVATION CORPS BOARD.

11 (a) *Employee transfer.* On the effective date of this paragraph, all positions in
12 the classified service in the Wisconsin conservation corps board, as determined by
13 the secretary of administration, and the incumbent employees holding those
14 positions, are transferred to the department of workforce development.

15 (b) *Employee status.* Employees transferred under paragraph (a) have all of the
16 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
17 statutes in the department of workforce development that they enjoyed in the
18 Wisconsin conservation corps immediately before the transfer. Notwithstanding
19 section 230.28 (4) of the statutes, no employee so transferred who has attained
20 permanent status in class is required to serve a probationary period.

21 (c) *Contracts.* All contracts entered into by the Wisconsin conservation corps
22 board in effect on the effective date of this paragraph remain in effect and are
23 transferred to the department of workforce development. The the department of
24 workforce development shall carry out any obligations under such a contract until

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1 the contract is modified or rescinded by the department of workforce development
2 to the extent allowed under the contract.

3 (d) *Rules and orders.* All rules promulgated by the Wisconsin conservation
4 corps board that are in effect on the effective date of this paragraph remain in effect
5 until their specified expiration date or until amended or repealed by the department
6 of workforce development. All orders issued by the Wisconsin conservation corps
7 board that are in effect on the effective date of this paragraph remain in effect until
8 their specified expiration date or until modified or rescinded by the department of
9 workforce development.

10 (e) *Pending matters.* Any matter pending with the Wisconsin conservation
11 corps board on the effective date of this paragraph is transferred to the department
12 of workforce development, and all materials submitted to or actions taken by the
13 Wisconsin conservation corps board with respect to the pending matter are
14 considered as having been submitted to or taken by the department of workforce
15 development.

16 (f) *Members.* All members of the Wisconsin conservation corps board who are
17 serving in that capacity on the day before the effective date of this paragraph shall
18 become members of the Wisconsin conservation corps council on the effective date of
19 this paragraph, unless the governor appoints members to replace those members,
20 and shall serve as Wisconsin conservation corps council members for the terms for
21 which those members were appointed to the Wisconsin conservation corps board.

22 (5) WISCONSIN CONSERVATION CORPS PROGRAM PLANNING. The department of
23 workforce development shall work with a nonprofit corporation that provides
24 education, employment skills, and career direction leading to economic

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1 self-sufficiency to young persons in Dane County who are at risk of not achieving
2 economic self-sufficiency to develop a plan to accomplish all of the following:

3 (a) Track the educational attainment of persons enrolled in the Wisconsin
4 conservation corps program.

5 (b) Consolidate the functions of the Wisconsin conservation corps program.

6 (c) Add educational and training components to the Wisconsin conservation
7 corps program.

8 (d) Provide a method for determining the location and number of crews working
9 on Wisconsin conservation corps projects.

10 (e) Improve the retention of persons enrolled in the Wisconsin conservation
11 corps program.

12 (6) TRANSFER OF MEDICAL ASSISTANCE ELIGIBILITY.

13 (a) *Position decreases.*

14 1. On the effective date of this subdivision, the authorized FTE positions for the
15 department of workforce development, funded from the appropriation under section
16 20.445 (1) (kc) of the statutes, as affected by the acts of 2001, are decreased by 6.5
17 PR positions.

18 2. On the effective date of this subdivision, the authorized FTE positions for the
19 department of workforce development, funded from the appropriation under section
20 20.445 (1) (ha) of the statutes, as affected by the acts of 2001, are decreased by 0.3
21 PR position.

22 3. On the effective date of this subdivision, the authorized FTE positions for the
23 department of workforce development, funded from the appropriation under section
24 20.445 (1) (gb) of the statutes, as affected by the acts of 2001, are decreased by 0.2
25 PR position.

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1 (b) *Transfer of positions and employees.*

2 1. On the effective date of this subdivision, 8.18 FTE FED positions in the
3 department of workforce development, and the incumbent employees holding those
4 positions, are transferred to the department of health and family services.

5 2. On the effective date of this subdivision, 4.82 FTE GPR positions in the
6 department of workforce development, and the incumbent employees holding those
7 positions, are transferred to the department of health and family services.

8 3. On the effective date of this subdivision, there are transferred from the
9 department of workforce development to the department of health and family
10 services 7.0 FTE incumbent employees holding the positions specified in paragraph
11 (a).

12 4. The departments of workforce development and health and family services
13 shall jointly determine the employees to be transferred under subdivisions 1. to 3.
14 and shall jointly develop a plan for the orderly transfer thereof. In the event of any
15 disagreement between the departments, the secretary of administration shall
16 resolve the dispute and shall develop a plan for the orderly transfer thereof.

17 (c) *Employee status.* Employees transferred under paragraph (b) have all the
18 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
19 statutes in the department of health and family services that they enjoyed in the
20 department of workforce development immediately before the transfer.
21 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
22 has attained permanent status in class is required to serve a probationary period.

23 (7) **STUDY OF TRANSFERRING THE FOOD STAMP PROGRAM.** The department of
24 workforce development shall study the impacts of transferring the food stamp
25 program under section 49.124 of the statutes to the department of health and family

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1 services, including the resources that would be transferred and the effects of the
2 transfer on the client assistance for reemployment and economic support computer
3 system and the local service delivery system. The department of workforce
4 development shall submit a report on the results of the study to the governor no later
5 than December 31, 2001.

6 (8) FOOD STAMP REINVESTMENT.

7 (a) In this subsection "cost allocation resolution moneys" means the moneys
8 appropriated under section 20.445 (3) (nL) of the statutes that were allocated on
9 September 25, 1998, by the joint committee on finance to reimburse the federal
10 government for expenditures that were not approved by the federal departments of
11 labor and health and human services in a cost allocation plan that was developed and
12 submitted by the department of workforce development in the 1997-98 federal fiscal
13 year.

14 (b) From the appropriation under section 20.445 (3) (nL) of the statutes, the
15 department of workforce development shall reallocate cost allocation resolution
16 moneys to local food stamp reinvestment activities.

17 **SECTION 9159. Nonstatutory provisions; other.**

18 (1) STATE AGENCY APPROPRIATIONS REDUCTIONS.

19 (a) *Appropriations reductions.* Except as provided in paragraph (b), the largest
20 sum certain appropriation for state operations made to the following state agencies
21 from general purpose revenue in the 2001-03 fiscal biennium is reduced by the
22 amounts in each fiscal year indicated:

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	Amount of Reduction	
	2001-02 Fiscal Year	2002-03 Fiscal Year
1		
2		
3	State Agency	
4	Administration, department of	\$ 719,000
5	Agriculture, trade and consumer	1,013,200
6	protection, department of	
7	Commerce, department of	411,700
8	Corrections, department of	1,756,300
9	Educational communications board	283,800
10	Employment relations, department of	304,900
11	Health and family services, department of	8,035,500
12	Historical society	525,800
13	Justice, department of	1,770,000
14	Military affairs, department of	384,100
15	Natural resources, department of	2,474,100
16	Public defender board	3,236,900
17	Public instruction, department of	1,404,200
18	Revenue, department of	4,216,300
19	Technical college system board	172,800
20	Tourism, department of	597,900
21	University of Wisconsin System, board of	
22	regents of	6,345,000
23	Workforce development, department of	502,600

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1 (b) *Submission of alternative plan to secretary of administration.* No later than
2 90 days after the effective date of this paragraph, any state agency specified in
3 paragraph (a) may submit an alternative plan to the secretary of administration
4 concerning the agency's preference for allocating reductions among sum certain
5 appropriations for state operations made to the agency from general purpose
6 revenue. If the secretary does not approve the plan, the agency shall make the
7 reductions as provided in paragraph (a). If the secretary approves the plan, he or she
8 shall submit the plan to the joint committee on finance. If the cochairpersons of the
9 committee do not notify the secretary that the committee has scheduled a meeting
10 for the purpose of reviewing the proposed plan within 14 working days after the date
11 of the secretary's submittal, the agency shall make the reductions specified in the
12 plan. If, within 14 working days after the date of the secretary's submittal, the
13 cochairpersons of the committee notify the secretary that the committee has
14 scheduled a meeting for the purpose of reviewing the proposed plan, the agency may
15 not implement the plan until it is approved by the committee, as submitted or as
16 modified.

17 (2) INFORMATION TECHNOLOGY MANAGEMENT BOARD; INITIAL TERMS.
18 Notwithstanding section 15.215 (1) of the statutes, as created by this act, of the
19 members other than state officers first appointed to serve as members of the
20 information technology management board, the governor shall designate one to
21 serve for a term expiring on May 1, 2003, and one to serve for a term expiring on May
22 1, 2005.

23 (3) STATE-LOCAL FRINGE BENEFIT STUDY COMMITTEES.

24 (a) The department of employment relations and the employment relations
25 commission, and the department of employee trust funds if it elects to participate,

SENATE BILL 55**SECTION 9159**

1 shall organize, and appoint members to, committees to study and make
2 recommendations on all of the following:

3 1. Fiscal pressures on local governments created by personnel costs, including
4 fringe benefits costs.

5 2. Strategies for local governments to control personnel costs, especially health
6 insurance costs.

7 3. Creating a permanent labor-management partnership team, consisting of
8 representatives of local governments and local government employees, to review
9 issues of common concern and to make policy recommendations to state and local
10 officials.

11 4. Options for local governments to expand their fringe benefit partnerships
12 with state government and other local governments.

13 5. Changes to the interest arbitration process under subchapter IV of chapter
14 111 of the statutes, including exempting health insurance coverage from interest
15 arbitration under that subchapter if an employer offers to its employees the local
16 government insurance plan under subchapter IV of chapter 40 of the statutes.

17 6. Allowing local government employers to change insurance carriers to the
18 local government insurance plan under subchapter IV of chapter 40 of the statutes
19 if the employer offers a pre-determined wage increase to its employees.

20 (b) In organizing committees under paragraph (a), the department of
21 employment relations and the employment relations commission, and the
22 department of employee trust funds if it elects to participate, shall seek to appoint
23 to the committees representatives of local governments and local government
24 employees.

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1 (c) The department of employment relations and the employment relations
2 commission, and the department of employee trust funds if it elects to participate,
3 shall submit a report incorporating the recommendations of the committees
4 organized under paragraph (a) to the governor, the secretary of administration, and
5 to the chief clerk of each house of the legislature, for distribution to the legislature
6 under section 13.172 (2) of the statutes, no later than January 1, 2003.

7 **SECTION 9201. Appropriation changes; administration.**

8 (1) CONSOLIDATION OF APPROPRIATIONS.

9 (a) The unencumbered balance in the appropriation account under section
10 20.505 (3) (g), 1999 stats., is transferred to the appropriation account under section
11 20.505 (1) (j) of the statutes, as affected by this act.

12 (b) The unencumbered balance in the appropriation account under section
13 20.505 (4) (gm), 1999 stats., is transferred to the appropriation account under section
14 20.505 (1) (j) of the statutes, as affected by this act.

15 (c) The unencumbered balance in the appropriation account under section
16 20.505 (3) (h), 1999 stats., is transferred to the appropriation account under section
17 20.505 (4) (h) of the statutes, as affected by this act.

18 (d) The unencumbered balance in the appropriation account under section
19 20.505 (1) (ma), 1999 stats., is transferred to the appropriation account under section
20 20.505 (1) (mb) of the statutes, as affected by this act.

21 (e) The unencumbered balance in the appropriation account under section
22 20.505 (1) (mc), 1999 stats., is transferred to the appropriation account under section
23 20.505 (1) (mb) of the statutes, as affected by this act.

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1 (f) The unencumbered balance in the appropriation account under section
2 20.505 (1) (n), 1999 stats., is transferred to the appropriation account under section
3 20.505 (1) (mb) of the statutes, as affected by this act.

4 (g) The unencumbered balance in the appropriation account under section
5 20.505 (6) (kt), 1999 stats., is transferred to the appropriation account under section
6 20.505 (6) (kp) of the statutes, as affected by this act.

7 (h) The unencumbered balance in the appropriation account under section
8 20.505 (6) (kq), 1999 stats., immediately before the effective date of this paragraph
9 is transferred to the appropriation account under section 20.505 (8) (hm) of the
10 statutes, as affected by this act.

11 (i) The unencumbered balance in the appropriation account under section
12 20.505 (6) (ks), 1999 stats., is transferred to the appropriation account under section
13 20.505 (8) (hm) of the statutes, as affected by this act.

14 (2) ENERGY EFFICIENCY FUND ELIMINATION. On the effective date of this
15 subsection, the unencumbered balance in the energy efficiency fund immediately
16 before the effective date of this subsection is transferred to the general fund.

17 (3) LAND INFORMATION BOARD GRANT FUNDING. The unencumbered balance in the
18 appropriation account under section 20.505 (1) (ij), 1999 stats., is transferred to the
19 appropriation account under section 20.505 (1) (ie) of the statutes, as affected by this
20 act.

21 (4) INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS FUNDING TRANSFER. The
22 unencumbered balances in the appropriation accounts under section 20.505 (1) (kL)
23 and (kr), 1999 stats., immediately before the effective date of this subsection are
24 transferred to the appropriation account under section 20.530 (1) (ke) of the statutes,
25 as affected by this act.

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1 (5) CONSOLIDATION OF APPROPRIATIONS FOR JUSTICE INFORMATION SYSTEMS. The
2 unencumbered balance in the appropriation account under section 20.505 (1) (ja),
3 1999 stats., is transferred to the appropriation account under section 20.505 (1) (kp)
4 of the statutes, as affected by this act.

5 **SECTION 9202. Appropriation changes; adolescent pregnancy**
6 **prevention and pregnancy services board.**

7 **SECTION 9203. Appropriation changes; aging and long-term care**
8 **board.**

9 **SECTION 9204. Appropriation changes; agriculture, trade and**
10 **consumer protection.**

11 (1) WAREHOUSE KEEPER AND GRAIN DEALER FEES. The unencumbered balance in
12 the appropriation account under section 20.115 (1) (jm), 1999 stats., is transferred
13 to the agricultural producer security fund.

14 (2) DAIRY AND VEGETABLE PRODUCER SECURITY. From the unencumbered balance
15 in the appropriation account under section 20.115 (1) (gm), 1999 stats., the secretary
16 of administration shall transfer to the agricultural producer security fund the
17 amount that the secretary determines is derived from moneys received under section
18 100.03 (3) (a) 2., 1999 stats., section 100.03 (3) (a) 3., 1999 stats., and section 100.06
19 (9), 1999 stats.

20 (3) ANIMAL HEALTH; GIFTS AND GRANTS. The unencumbered balance in the
21 appropriation account under section 20.115 (2) (gb), 1999 stats., is transferred to the
22 appropriation account under section 20.115 (8) (g) of the statutes, as affected by this
23 act.

24 (4) MARKETING SERVICES; GIFTS AND GRANTS. The unencumbered balance in the
25 appropriation account under section 20.115 (3) (ga), 1999 stats., is transferred to the

SENATE BILL 55**SECTION 9204**

1 appropriation account under section 20.115 (8) (g) of the statutes, as affected by this
2 act.

3 (5) AGRICULTURAL INVESTMENT AIDS; GIFTS AND GRANTS. The unencumbered
4 balance in the appropriation account under section 20.115 (4) (i), 1999 stats., is
5 transferred to the appropriation account under section 20.115 (8) (g) of the statutes,
6 as affected by this act.

7 (6) AGRICULTURAL RESOURCE MANAGEMENT; GIFTS AND GRANTS. The unencumbered
8 balance in the appropriation account under section 20.115 (7) (gb), 1999 stats., is
9 transferred to the appropriation account under section 20.115 (8) (g) of the statutes,
10 as affected by this act.

11 (7) ANIMAL HEALTH CONTRACTUAL SERVICES. The unencumbered balance in the
12 appropriation account under section 20.115 (2) (k), 1999 stats., is transferred to the
13 appropriation account under section 20.115 (8) (ks) of the statutes, as affected by this
14 act.

15 (8) GENERAL LABORATORY SERVICES SERVICES. The unencumbered balance in the
16 appropriation account under section 20.115 (8) (kp), 1999 stats., is transferred to the
17 appropriation account under section 20.115 (8) (ks) of the statutes, as affected by this
18 act.

19 (9) MILK STANDARDS PROGRAM. The unencumbered balance in the appropriation
20 account under section 20.115 (8) (ga), 1999 stats., is transferred to the appropriation
21 account under section 20.115 (8) (ha) of the statutes, as affected by this act.

22 **SECTION 9205. Appropriation changes; arts board.**

23 **SECTION 9206. Appropriation changes; boundary area commission,**
24 **Minnesota-Wisconsin.**

25 **SECTION 9207. Appropriation changes; building commission.**

SENATE BILL 55**SECTION 9208**

1 **SECTION 9208. Appropriation changes; child abuse and neglect**
2 **prevention board.**

3 **SECTION 9209. Appropriation changes; circuit courts.**

4 **SECTION 9210. Appropriation changes; commerce.**

5 (1) TANK PLAN REVIEW AND INSPECTION FEES. There is transferred from the
6 appropriation account under section 20.143 (3) (j) of the statutes to the petroleum
7 inspection fund \$1,280,641 plus the amount determined by the secretary of
8 administration under SECTION 9101 (1) of this act.

9 (2) ECONOMIC DEVELOPMENT OPERATIONS. The unencumbered balances in the
10 appropriation accounts under section 20.143 (1) (gm), 1999 stats., and section 20.143
11 (1) (hm), 1999 stats., are transferred to the appropriation account under section
12 20.143 (1) (h) of the statutes, as affected by this act.

13 **SECTION 9211. Appropriation changes; corrections.**

14 (1) INSTITUTIONAL OPERATIONS AND CHARGES LAPSE. Notwithstanding section
15 20.001 (3) (a) of the statutes, on the effective date of this subsection, there is lapsed
16 to the general fund \$1,000,000 from the appropriation account of the department of
17 corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of
18 2001.

19 **SECTION 9212. Appropriation changes; court of appeals.**

20 **SECTION 9213. Appropriation changes; district attorneys.**

21 **SECTION 9214. Appropriation changes; educational communications**
22 **board.**

23 **SECTION 9215. Appropriation changes; elections board.**

24 **SECTION 9216. Appropriation changes; employee trust funds.**

SENATE BILL 55**SECTION 9217**

1 **SECTION 9217. Appropriation changes; employment relations**
2 **commission.**

3 **SECTION 9218. Appropriation changes; employment relations**
4 **department.**

5 **SECTION 9219. Appropriation changes; ethics board.**

6 **SECTION 9220. Appropriation changes; financial institutions.**

7 **SECTION 9221. Appropriation changes; governor.**

8 **SECTION 9222. Appropriation changes; Health and Educational**
9 **Facilities Authority.**

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

11 (1) BIRTH PARENT SEARCH AND ADOPTION RECORD PROGRAM; LAPSE.
12 Notwithstanding section 20.001 (3) (a) of the statutes, on June 30, 2002, there is
13 lapsed to the general fund \$94,300 from the appropriation account of the department
14 of health and family services under section 20.435 (3) (jj) of the statutes, as affected
15 by the acts of 2001.

16 (2) ALCOHOL AND OTHER DRUG ABUSE INITIATIVES; LAPSE. Notwithstanding section
17 20.001 (3) (c) of the statutes, on June 30, 2002, there is lapsed to the general fund
18 \$648,200 from the appropriation account of the department of health and family
19 services under section 20.435 (6) (gb) of the statutes, as affected by the acts of 2001.

20 (3) DRIVER IMPROVEMENT SURCHARGE; LAPSE. Notwithstanding section 20.001 (3)
21 (a) of the statutes, on June 30, 2002, there is lapsed to the general fund \$1,000,000
22 from the appropriation account of the department of health and family services
23 under section 20.435 (6) (hx) of the statutes, as affected by the acts of 2001.

24 (4) FACILITY LICENSING AND INSPECTION FEES LAPSE.

SENATE BILL 55**SECTION 9223**

1 (a) Notwithstanding section 20.001 (3) (a) of the statutes, on June 30, 2002, the
2 secretary of administration shall lapse to the general fund \$1,000,000 from the
3 appropriation account of the department of health and family services under section
4 20.435 (6) (jm) of the statutes, as affected by the acts of 2001.

5 (b) Notwithstanding section 20.001 (3) (a) of the statutes, on June 30, 2003, the
6 secretary of administration shall lapse to the general fund \$200,000 from the
7 appropriation account of the department of health and family services under section
8 20.435 (6) (jm) of the statutes, as affected by the acts of 2001, in addition to the
9 amount lapsed under paragraph (a).

10 **SECTION 9224. Appropriation changes; higher educational aids board.**

11 **SECTION 9225. Appropriation changes; historical society.**

12 **SECTION 9226. Appropriation changes; Housing and Economic**
13 **Development Authority.**

14 **SECTION 9227. Appropriation changes; insurance.**

15 **SECTION 9228. Appropriation changes; investment board.**

16 **SECTION 9229. Appropriation changes; joint committee on finance.**

17 **SECTION 9230. Appropriation changes; judicial commission.**

18 **SECTION 9231. Appropriation changes; justice.**

19 **SECTION 9232. Appropriation changes; legislature.**

20 **SECTION 9233. Appropriation changes; lieutenant governor.**

21 **SECTION 9234. Appropriation changes; lower Wisconsin state riverway**
22 **board.**

23 **SECTION 9235. Appropriation changes; Medical College of Wisconsin.**

24 **SECTION 9236. Appropriation changes; military affairs.**

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

SENATE BILL 55**SECTION 9237**

1 (1) TRANSFER FROM ENVIRONMENTAL FUND. There is transferred \$5,100,000 from
2 the environmental fund to the general fund.

3 (2) TRANSFER OF GAMING REVENUES TO THE CONSERVATION FUND. There is
4 transferred from the appropriation account to the department of administration
5 under section 20.505 (8) (hm) of the statutes to the conservation fund, \$1,000,000 in
6 fiscal year 2001-02 and \$718,000 in fiscal year 2002-03.

7 **SECTION 9238. Appropriation changes; personnel commission.**

8 **SECTION 9239. Appropriation changes; public defender board.**

9 **SECTION 9240. Appropriation changes; public instruction.**

10 **SECTION 9241. Appropriation changes; public lands, board of**
11 **commissioners of.**

12 **SECTION 9242. Appropriation changes; public service commission.**

13 **SECTION 9243. Appropriation changes; regulation and licensing.**

14 **SECTION 9244. Appropriation changes; revenue.**

15 **SECTION 9245. Appropriation changes; secretary of state.**

16 **SECTION 9246. Appropriation changes; state fair park board.**

17 **SECTION 9247. Appropriation changes; supreme court.**

18 **SECTION 9248. Appropriation changes; technical college system.**

19 **SECTION 9249. Appropriation changes; technology for educational**
20 **achievement in Wisconsin board.**

21 **SECTION 9250. Appropriation changes; tobacco control board.**

22 **SECTION 9251. Appropriation changes; tourism.**

23 **SECTION 9252. Appropriation changes; transportation.**

24 (1) TRANSFER OF FUNDS FOR AERONAUTICAL ACTIVITIES. The unencumbered
25 balance in the appropriation account under section 20.395 (2) (dq), 1999 stats.,

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1 immediately before the effective date of this subsection is transferred to the
2 appropriation account under section 20.395 (2) (dr) of the statutes, as created by this
3 act.

4 (2) LOCAL TRANSPORTATION FACILITIES IMPROVEMENT ASSISTANCE.

5 (a) The unencumbered balance in the appropriation account under section
6 20.395 (2) (eq), 1999 stats., immediately before the effective date of this paragraph
7 is transferred to the appropriation account under section 20.395 (2) (fq) of the
8 statutes, as created by this act.

9 (b) The unencumbered balance in the appropriation account under section
10 20.395 (2) (ex), 1999 stats., immediately before the effective date of this paragraph
11 is transferred to the appropriation account under section 20.395 (2) (fx) of the
12 statutes, as affected by this act.

13 (c) The unencumbered balance in the appropriation account under section
14 20.395 (2) (ev), 1999 stats., immediately before the effective date of this paragraph
15 is transferred to the appropriation account under section 20.395 (2) (fv) of the
16 statutes, as affected by this act.

17 **SECTION 9253. Appropriation changes; treasurer.**

18 **SECTION 9254. Appropriation changes; University of Wisconsin**
19 **Hospitals and Clinics Authority.**

20 **SECTION 9255. Appropriation changes; University of Wisconsin**
21 **Hospitals and Clinics Board.**

22 **SECTION 9256. Appropriation changes; University of Wisconsin**
23 **System.**

24 **SECTION 9257. Appropriation changes; veterans affairs.**

SENATE BILL 55**SECTION 9257**

1 (1) APPROVAL OF VETERANS TRAINING. The unencumbered balance in the
2 appropriation account under section 20.485 (5) (m), 1999 stats., is transferred to the
3 appropriation account under section 20.485 (2) (m) of the statutes, as affected by this
4 act.

5 **SECTION 9258. Appropriation changes; workforce development.**

6 (1) PUBLIC ASSISTANCE REFORM STUDIES. Notwithstanding section 20.001 (3) (c)
7 of the statutes, on the effective date of this subsection, there is lapsed to the general
8 fund \$1,200,000 from the appropriation account of the department of workforce
9 development under section 20.445 (3) (br) of the statutes, as affected by the acts of
10 2001.

11 **SECTION 9259. Appropriation changes; other.**

12 **SECTION 9301. Initial applicability; administration.**

13 (1) EXPENDITURE LIMITS FOR GENERAL PURPOSE REVENUE. The treatment of section
14 13.40 of the statutes first applies to appropriations made for the 2003-05 biennium.

15 (2) ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES. The treatment of sections
16 16.61 (7) (d), 16.611 (2) (e), 16.612 (2) (c), 137.01 (3) (a) and (4) (a) and (b), 137.04,
17 137.05 (title), 137.06, 137.11 to 137.24, 137.26, 224.30 (2), 228.01, 228.03 (2), 889.29
18 (1), 910.01 (1), 910.02, and 910.03, subchapters I (title) and II (title) of chapter 137,
19 and chapter 137 (title) of the statutes, the renumbering and amendment of section
20 137.05 of the statutes, and the creation of section 137.25 (2) of the statutes first apply
21 to electronic records or electronic signatures that are created, generated, sent,
22 communicated, received, or initially stored on the effective date of this subsection.

23 **SECTION 9302. Initial applicability; adolescent pregnancy prevention**
24 **and pregnancy services board.**

25 **SECTION 9303. Initial applicability; aging and long-term care board.**

SENATE BILL 55**SECTION 9304**

1 **SECTION 9304. Initial applicability; agriculture, trade and consumer**
2 **protection.**

3 (1) CONSUMER PROTECTION ASSESSMENTS. The treatment of sections 20.115 (1)
4 (jb), 59.25 (3) (f) 2., 59.40 (2) (m), 66.0113 (1) (b) 7. c. and d. and (c) and (3) (a), (b),
5 (c), and (d), 66.0114 (1) (b) and (bm), 100.261 (title), (1), (2), and (3) (a) and (b) 1.,
6 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 800.02 (2) (a) 8. and (3) (a)
7 5., 800.03 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and (a) and (2) (b), 800.10 (2),
8 800.12 (2), 814.60 (2) (ai), 814.63 (3) (ai), 973.05 (1) and (2), and 973.07 of the statutes
9 first applies to consumer protection assessments that are imposed for violations that
10 first occur on the effective date of this subsection.

11 (2) FARMLAND PRESERVATION CONVERSION FEES. The treatment of sections 91.17
12 (1), (2), and (3), 91.19 (2) (intro.), (3), (5), (6t), (7), (7m), and (8) to (13), 91.23, 91.75
13 (6), 91.77 (2), and 91.79 of the statutes first applies to land that is released or
14 relinquished from a farmland preservation agreement or rezoned from exclusive
15 agricultural zoning on the effective date of this subsection.

16 **SECTION 9305. Initial applicability; arts board.**

17 **SECTION 9306. Initial applicability; boundary area commission,**
18 **Minnesota-Wisconsin.**

19 **SECTION 9307. Initial applicability; building commission.**

20 **SECTION 9308. Initial applicability; child abuse and neglect prevention**
21 **board.**

22 **SECTION 9309. Initial applicability; circuit courts.**

23 (1) COURT INTERPRETERS. The treatment of sections 48.315 (1) (h), 48.375 (7) (d)
24 1m., 885.37 (title), (1), (1g), (2), (3) (b), (3m), (4) (a) (intro.) and (b), (5) (a), and (6) to

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1 (10), 905.015, and 938.315 (1) (h) of the statutes first applies to interpreters used or
2 appointed on the effective date of this subsection.

3 (2) **TAKING JUVENILES INTO CUSTODY.** The treatment of sections 938.19 (1) (d) 6.,
4 938.20 (2) (cm), (7) (c) 1m., and (8), 938.205 (1) (c), 938.208 (1) (intro.), 938.355 (6d)
5 (a) 4., (b) 4., and (c) 4., 938.533 (3) (a), 938.534 (1) (b) 3m., 938.538 (4) (a) (by SECTION
6 3922), and 938.539 (3) of the statutes first applies to a violation of a condition of
7 court-ordered supervision or aftercare supervision, a condition of a juvenile's
8 placement in a Type 2 secured correctional facility, as defined in section 938.02 (20)
9 of the statutes, or in a Type 2 child caring institution, as defined in section 938.02
10 (19r) of the statutes, or a condition of a juvenile's participation in the intensive
11 supervision program under section 938.534 of the statutes, as affected by this act,
12 committed on the effective date of this subsection.

13 (3) **SPECIAL PROSECUTION FEE.** The treatment of sections 20.475 (1) (f) and (i),
14 814.635 (1m) and (2), and 978.13 (1) (intro.), (b), (c), and (d) of the statutes first
15 applies to cases filed on the effective date of this subsection.

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

17 **SECTION 9311. Initial applicability; corrections.**

18 (1) **TRANSFER OF JUVENILE TO ADULT PRISON.** The treatment of sections 301.03 (10)
19 (d), 302.11 (10), 302.255, 302.386 (5) (d), 938.183 (3) (with respect to transfer of a
20 juvenile to the Racine Youthful Offender Correctional Facility), 938.357 (4) (d),
21 938.538 (3) (a) 1. (with respect to placement of a juvenile in a Type 1 prison), 1m., and
22 2., (4) (a) (by SECTION 3921), (5) (c), and (6), 938.992 (3), and 976.08 of the statutes
23 first applies to violations committed on July 1, 1996.

24 (2) **AGE OF JUVENILE PLACEMENT IN ADULT PRISON.** The treatment of sections
25 938.183 (3) (with respect to placement of a juvenile in a secured correctional facility,

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1 a secured child caring institution, or a state prison) and 973.013 (3m) of the statutes
2 first applies to violations committed on the effective date of this subsection.

3 (3) PAYMENT OF MEDICAL OR DENTAL CHARGES. The treatment of section 302.386
4 (3) (a) of the statutes first applies to medical or dental care provided on the effective
5 date of this subsection.

6 (4) AUTOPSIES OF INMATES. The treatment of section 979.025 of the statutes first
7 applies to deaths that occur on the effective date of this subsection.

8 **SECTION 9312. Initial applicability; court of appeals.**

9 **SECTION 9313. Initial applicability; district attorneys.**

10 **SECTION 9314. Initial applicability; educational communications**
11 **board.**

12 **SECTION 9315. Initial applicability; elections board.**

13 **SECTION 9316. Initial applicability; employee trust funds.**

14 **SECTION 9317. Initial applicability; employment relations commission.**

15 (1) SCHOOL DISTRICTS; PERMISSIVE SUBJECTS OF BARGAINING. The treatment of
16 sections 111.70 (1) (a) and (4) (o) and 601.415 (13) of the statutes, the amendment of
17 section 111.70 (4) (cm) 8s. of the statutes, and the creation of section 111.70 (4) (cm)
18 8s. b. of the statutes first apply to collective bargaining agreements that expire or are
19 extended, modified, or renewed, whichever occurs first, on the effective date of this
20 subsection.

21 (2) SCHOOL CALENDAR. The treatment of sections 111.70 (4) (m) 8. and 120.12
22 (15) of the statutes first applies to collective bargaining agreements that expire or
23 are extended, modified, or renewed, whichever occurs first, on the effective date of
24 this subsection.

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1 (3) REASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES. The treatment of section
2 111.70 (4) (m) (title), 1., 2., and 4. of the statutes first applies to collective bargaining
3 agreements for which notices of commencement of contract negotiations have been
4 filed with the employment relations commission under section 111.70 (4) (cm) 1. of
5 the statutes on the effective date of this subsection.

6 (4) LAYOFF AND ASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES. The treatment of
7 section 111.70 (4) (m) 5. of the statutes first applies to collective bargaining
8 agreements for which notices of commencement of contract negotiations have been
9 filed with the employment relations commission under section 111.70 (4) (cm) 1. of
10 the statutes on the effective date of this subsection.

11 (5) ASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES. The treatment of section 111.70
12 (4) (m) 7. of the statutes first applies to collective bargaining agreements for which
13 notices of commencement of contract negotiations have been filed with the
14 employment relations commission under section 111.70 (4) (cm) 1. of the statutes on
15 the effective date of this subsection.

16 (6) BINDING ARBITRATION FOR MEMBERS OF A POLICE DEPARTMENT EMPLOYED BY A 1ST
17 CLASS CITY. The treatment of section 111.70 (4) (jm) 4. k. of the statutes first applies
18 to petitions for arbitration submitted under section 111.70 (4) (jm) 1. of the statutes
19 on the effective date of this subsection.

20 **SECTION 9318. Initial applicability; employment relations department.**

21 **SECTION 9319. Initial applicability; ethics board.**

22 **SECTION 9320. Initial applicability; financial institutions.**

23 **SECTION 9321. Initial applicability; governor.**

24 **SECTION 9322. Initial applicability; Health and Educational Facilities**

25 **Authority.**

SENATE BILL 55**SECTION 9323****1 SECTION 9323. Initial applicability; health and family services.**

2 (1) TAKING OVER OPERATION OF MEDICAL ASSISTANCE PROVIDER. The treatment of
3 sections 49.45 (2) (b) 8. and (21) (title), (a), (ag), and (b), and 50.03 (13) (a) of the
4 statutes first applies to sales or other transfers completed on the effective date of this
5 subsection.

6 (2) FEE FOR CERTAIN RECOVERIES AGAINST PROVIDERS OF MEDICAL ASSISTANCE. The
7 treatment of section 49.45 (2) (b) 9. of the statutes first applies to repeated recoveries
8 from the identical provider that are made on the effective date of this subsection.

9 (3) DECERTIFICATION OR SUSPENSION OF PROVIDERS OF MEDICAL ASSISTANCE. The
10 treatment of section 49.45 (2) (a) 12. of the statutes first applies to violations of
11 federal statutes or regulations or state statutes or rules committed on the effective
12 date of this subsection.

13 (4) FAMILY CARE ELIGIBILITY. The treatment of sections 46.286 (1) (a) 2. (intro.),
14 (1m), and (3) (a) (intro.) and 6. of the statutes first applies to an application for
15 eligibility for family care that is made on the effective date of this subsection.

16 (5) FOSTER PARENT INSURANCE DEDUCTIBLE. The treatment of section 48.627 (3)
17 (h) of the statutes first applies to an act or omission, as described in section 48.627
18 (2m) or (2s) (a) or (b) of the statutes, that occurs on the effective date of this
19 subsection.

20 (6) RATE-BASED SERVICE CONTRACTS. The treatment of section 46.036 (5m) (a) 1.,
21 (b) 1. and 2., (e), and (em) of the statutes first applies to a contract under which a
22 provider, as defined in section 46.036 (5m) (a) 1. of the statutes, as affected by this
23 act, commences performance on the effective date of this subsection.

24 (7) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. The treatment of
25 sections 48.38 (2) (intro.), (4) (f) (intro.), and (5) (a) and (b) and 938.38 (2) (intro.), (4)

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1 (f) (intro.), and (5) (a) and (b) of the statutes first applies to a child or juvenile who
2 is placed in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of
3 the statutes, by order of the court assigned to exercise jurisdiction under chapters
4 48 and 938 of the statutes, as affected by this act, on the effective date of this
5 subsection.

6 (8) PREADMISSION INFORMATION AND REFERRAL. The treatment of sections 50.034
7 (5g) and (8) (a) and 50.035 (9) (title) and (11) (a) of the statutes, the renumbering of
8 section 50.035 (9) of the statutes, and the creation of section 50.035 (9) (b) of the
9 statutes first apply to residencies in residential care apartment complexes and
10 admissions to community-based residential facilities sought on the effective date of
11 this subsection.

12 (9) TRANSFERS BY AFFIDAVIT. The treatment of section 867.035 (1) (a) (intro.) and
13 1. and (bm) (intro.), 1., 2., 3., and 4., (2), and (2m) of the statutes first applies to
14 transfers by affidavit on account of deaths occurring on the effective date of this
15 subsection.

16 (10) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a) 1.,
17 1m., 6., 9., 10., 11., and 12. and (e) and 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1., and
18 (b) 2m. a. and (6) (a) 7. of the statutes first applies to eligibility determinations for
19 medical assistance that are made on the effective date of this subsection.

20 (11) MEDICAL ASSISTANCE ESTATE RECOVERY. The treatment of sections 46.286 (7)
21 and 49.496 (3) (a) 2. and (ae) of the statutes first applies to medical assistance that
22 is paid for health care services that are provided to an individual on the effective date
23 of this subsection.

24 (12) FACILITY LICENSURE, CERTIFICATION, APPROVAL, AND REGISTRATION;
25 ENFORCEMENT. The treatment of sections 50.01 (4r), 50.02 (1), (1d), (2) (am) 2., and

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1 (3g) (a) 1., 2., 3., 4., 5., 6., 7., and 8., 50.03 (2) (d), (3) (f), (4) (a) 1. b., (c) 1., 2., and 3.,
2 and (cm) 3., (4m), (5), (5g) (title), (a), (b), (c) (intro.), 1., 2., and 3., (d), (e), (f), and (g)
3 1. and 3., (5m) (a) 2. and 3., (11), and (13) (c), 50.033 (2) and (4), 50.034 (2) (f), (7), and
4 (8), 50.035 (11), 50.04 (4) (d) and (e) 3., (5) (e) and (f), and (6) (title), (a), (b), (c), (d),
5 (e), (f), and (g), 50.05 (2) (b) and (c), 50.053, 50.09 (6) (d), 50.14 (6), 50.35, 50.37 (1),
6 50.49 (6) (b), (7), (9), and (10), 50.498 (1) (c), (1m), (3), (4), and (5), 50.51 (2) (b), 50.52
7 (2) (intro.) and (4), 50.55 (1) and (2) (title), 50.925, 50.93 (1) (intro.), (2) (a), (3), (3g),
8 and (4), 50.95 (7), 50.98 (title), (1), (2), (3), (4), (5), and (6), and 165.40 (6) (a) (intro.)
9 of the statutes first applies to licenses, certifications, approvals, and registrations
10 issued; to conditional licenses, certifications, approvals, registrations, and
11 probationary licenses issued; and to violations committed; on the effective date of
12 this subsection.

13 (13) TREATMENT FACILITY APPROVAL AND CONDITIONAL APPROVAL; ENFORCEMENT.
14 The treatment of sections 46.031 (2r) (a) 3., 51.032 (1) (b) and (e), (4), and (5), 51.04,
15 51.08, 51.09, 51.30 (10) (b), 51.45 (2) (b) and (c) and (8) (title), (a), (b), (c), (d), (e), and
16 (f), 73.0301 (1) (d) 3., 301.031 (2r) (a) 3., 343.06 (1) (d), and 632.89 (1) (e) 1. of the
17 statutes first applies to approvals and conditional approvals issued and to violations
18 committed on the effective date of this subsection.

19 (14) TRANSFER OF CHILD FOR ADOPTION. The treatment of sections 48.43 (7) and
20 48.485 of the statutes first applies to petitions filed under those sections on the
21 effective date of this subsection.

22 **SECTION 9324. Initial applicability; higher educational aids board.**

23 **SECTION 9325. Initial applicability; historical society.**

24 **SECTION 9326. Initial applicability; Housing and Economic**
25 **Development Authority.**

SENATE BILL 55**SECTION 9327**

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

2 **SECTION 9328. Initial applicability; investment board.**

3 **SECTION 9329. Initial applicability; joint committee on finance.**

4 **SECTION 9330. Initial applicability; judicial commission.**

5 **SECTION 9331. Initial applicability; justice.**

6 **SECTION 9332. Initial applicability; legislature.**

7 **SECTION 9333. Initial applicability; lieutenant governor.**

8 **SECTION 9334. Initial applicability; lower Wisconsin state riverway**
9 **board.**

10 **SECTION 9335. Initial applicability; Medical College of Wisconsin.**

11 **SECTION 9336. Initial applicability; military affairs.**

12 (1) EMERGENCY RESPONSE. The treatment of sections 166.20 (1) (gk) and (im) and
13 (2) (bm) 1. and 2. and (bs), 166.21 (2m) (e) and (f), 166.215 (2) and (3), 166.22 (1) (a),
14 (c), and (d), (2), (3), (3m), (4), and (5) (am) and (b), and 895.483 (title) and (2) of the
15 statutes first applies to emergencies involving the release or potential release of
16 hazardous substances that occur on the effective date of this subsection.

17 **SECTION 9337. Initial applicability; natural resources.**

18 (1) AQUATIC PLANT REMOVAL EQUIPMENT. The treatment of section 30.92 (4) (b)
19 8. b. and bp. of the statutes first applies to the acquisition of capital equipment for
20 which an application for financial assistance for the acquisition is submitted to the
21 department of natural resources on the effective date of this subsection.

22 (2) LAKE MANAGEMENT PROJECT GRANTS. The treatment of section 281.69 (3) (b)
23 2. of the statutes first applies to lake management project grants that are applied for
24 on the effective date of this subsection.

25 **SECTION 9338. Initial applicability; personnel commission.**

SENATE BILL 55**SECTION 9339**

1 **SECTION 9339. Initial applicability; public defender board.**

2 **SECTION 9340. Initial applicability; public instruction.**

3 (1) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23 (2)
4 (a) 3., (c), and (d), (4) (a), and (5) of the statutes first applies to pupils and private
5 schools that intend to participate in the Milwaukee parental choice program in the
6 2002-03 school year.

7 (2) TUITION PAYMENT BY STATE. The treatment of section 121.79 (1) (d) (intro.),
8 1., and 3. of the statutes first applies to the payment of tuition in the 2002-03 school
9 year.

10 (3) SUMMER SCHOOL AID FOR CHARTER SCHOOLS. The treatment of sections 118.40
11 (2r) (a) 1. and (e) and 121.14 (1) and (2) (b) of the statutes first applies to payments
12 made for academic summer classes and laboratory periods attended in 2001.

13 (4) TEACHER LICENSURE. The treatment of sections 115.28 (7) (a), (c), and (e) 2.,
14 118.19 (3) (a), (4m), (6), (7), (8), (9) (a) (intro.), (12), (13), and (14), and 118.38 (1) (a)
15 7. of the statutes first applies to license applications received by the department of
16 public instruction on the effective date of this subsection.

17 (5) COMMENCEMENT OF SCHOOL TERM. The treatment of section 118.045 (3) of the
18 statutes first applies to the commencement of the school term in the 2002-03 school
19 year.

20 (6) STATE AID ADJUSTMENTS. The treatment of section 121.105 (2) (a) 1., 2., and
21 3. of the statutes first applies to state aid adjustments under section 121.15 (4) (b)
22 of the statutes that are made on the effective date of this subsection.

23 (7) COMPUTER AID. The treatment of section 121.004 (6) of the statutes first
24 applies to state aid paid to school districts in the 2001-02 school year.

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1 (8) CARRY OVER OF REVENUE LIMIT AUTHORITY. The treatment of section 121.91
2 (4) (dg) and (dr) of the statutes first applies to state aid adjustments under section
3 121.15 (4) (b) of the statutes that are made on the effective date of this subsection.

4 (9) SCHOOL DISTRICT REFERENDA. The treatment of sections 24.66 (3) (b) and (4)
5 (b), 66.092 (2), 67.05 (6a) (a) 2. a., 119.48 (4) (b) and (c), 119.49 (1) (b) and (2), and
6 121.91 (3) (a) of the statutes and the renumbering and amendment of section 24.66
7 (4) of the statutes first apply with respect to referenda called on the effective date of
8 this subsection.

9 (10) OPEN ENROLLMENT PROGRAM. The treatment of section 118.51 (16) (a) 3. (as
10 it relates to the open enrollment program) of the statutes first applies to state aid
11 payments made in the 2001-02 school year.

12 (11) TUITION PAYMENTS BY PARENTS. The treatment of section 118.51 (16) (a) 3.
13 (as it relates to tuition payments by parents under section 121.81 of the statutes) of
14 the statutes first applies to tuition payments made in the 2002-03 school year.

15 (12) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23 (2)
16 (a) (intro.) and 1. and (e) of the statutes first applies to pupils who apply to participate
17 in the Milwaukee parental choice program in the 2002-03 school year.

18 **SECTION 9341. Initial applicability; public lands, board of**
19 **commissioners of.**

20 **SECTION 9342. Initial applicability; public service commission.**

21 (1) STRAY VOLTAGE IMMUNITY. The treatment of sections 196.64 (3) and 895.496
22 of the statutes first applies to actions commenced on the effective date of this
23 subsection.

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1 (2) ENFORCEMENT AUTHORITY. The treatment of sections 196.219 (4) (b), 196.499
2 (12) (am), and 196.66 (1) and (3) (b) (intro.) of the statutes first applies to violations
3 occurring on the effective date of this subsection.

4 (3) ASSESSMENTS FOR WHOLESALE MERCHANT PLANTS. The treatment of sections
5 196.07 (2) and 196.85 (1) and (1m) (a) of the statutes first applies to activities of the
6 public service commission occurring on the effective date of this subsection.

7 **SECTION 9343. Initial applicability; regulation and licensing.**

8 (1) IRREVOCABLE BURIAL TRUSTS. The treatment of section 445.125 (1) (a) 2. of
9 the statutes first applies to burial trust agreements entered into on the effective date
10 of this subsection.

11 **SECTION 9344. Initial applicability; revenue.**

12 (1) DRY CLEANING PRODUCTS FEE. The treatment of sections 77.996 (3), 77.9962,
13 77.9963, and 292.65 (8) (d) 7. of the statutes first applies to fees that are due on
14 January 25, 2002.

15 (2) REFUNDS. The treatment of sections 70.511 (2) (b) and (bm), 74.35 (3) (c) and
16 (cm), and 74.37 (3) (c) and (cm) of the statutes first applies to refunds of taxes that
17 were collected based on the assessments as of January 1, 2001.

18 (3) OBJECTIONS. The treatment of section 70.995 (8) (c) of the statutes first
19 applies to objections that are filed with the state board of assessors on the first day
20 of the 3rd month beginning after the effective date of this subsection.

21 (4) SETTLEMENT OF TAXES. The treatment of sections 74.23 (1) (a) 5., 74.25 (1)
22 (a) 4m., and 74.30 (1) (dm) of the statutes first applies to taxes that are based on the
23 assessment as of January 1, 2001.

24 (5) TELEPHONE COMPANY PROPERTY. The treatment of section 76.81 of the
25 statutes, the renumbering and amendment of section 70.112 (4) of the statutes, and

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1 the creation of section 70.112 (4) (b) of the statutes first apply to the property tax
2 assessments as of January 1, 2003.

3 (6) WASTE TREATMENT EQUIPMENT. The treatment of sections 70.11 (21) (a), (c),
4 (d), (e), and (f), 71.05 (11) (b), and 73.01 (4) (a) and (5) (a) of the statutes first applies
5 to taxable years beginning on January 1 of the year in which this subsection takes
6 effect, except that if this subsection takes effect after July 1 the treatment of sections
7 70.11 (21) (a), (c), (d), (e), and (f), 71.05 (11) (b), and 73.01 (4) (a) and (5) (a) of the
8 statutes first applies to taxable years beginning on January of the year following the
9 year in which this subsection takes effect.

10 (7) MULTIPLE PAYEES OF A LOTTERY PRIZE. The treatment of section 565.30 (1),
11 (2g), (5), (5m) (a), and (5r) (a) of the statutes first applies to lottery prizes won on the
12 effective date of this subsection.

13 (8) OTHER STATE TAX CREDIT; PARTNERS OF A PARTNERSHIP. The treatment of section
14 71.07 (7) (b) of the statutes first applies to taxable years beginning on January 1 of
15 the year in which this subsection takes effect, except that if this subsection takes
16 effect after July 31 the treatment of section 71.07 (7) (b) of the statutes first applies
17 to taxable years beginning on January 1 of the year following the year in which this
18 subsection takes effect.

19 (9) MILWAUKEE DEVELOPMENT OPPORTUNITY ZONE. The treatment of section
20 560.795 (1) (e), (2) (a) and (b) 5., (3) (a) 4., and (c), (4) (a) (intro.), and (5) of the statutes
21 first applies to taxable years beginning on January 1 of the year in which this
22 subsection takes effect, except that if this subsection takes effect after July 31 the
23 treatment of section 560.795 (1) (e), (2) (a) and (b) 5., (3) (a) 4., and (c), (4) (a) (intro.),
24 and (5) of the statutes first applies to taxable years beginning on January 1 of the
25 year following the year in which this subsection takes effect.

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1 (10) DEVELOPMENT ZONES CAPITAL INVESTMENT CREDIT. The treatment of sections
2 71.05 (6) (a) 15., 71.07 (2dm), 71.10 (4) (grb), 71.21 (4), 71.26 (2) (a) and (3) (n), 71.28
3 (1dm), 71.30 (3) (emb), 71.34 (1) (g), 71.47 (1dm), 71.49 (1) (emb), 73.03 (35), 77.92
4 (4), 560.70 (7), 560.75 (8), and 560.795 (3) (d) of the statutes first applies to taxable
5 years beginning on January 1 of the year in which this subsection takes effect, except
6 that if this subsection takes effect after July 31 the treatment of sections 71.05 (6)
7 (a) 15., 71.07 (2dm), 71.10 (4) (grb), 71.21 (4), 71.26 (2) (a) and (3) (n), 71.28 (1dm),
8 71.30 (3) (emb), 71.34 (1) (g), 71.47 (1dm), 71.49 (1) (emb), 73.03 (35), 77.92 (4), 560.70
9 (7), 560.75 (8), and 560.795 (3) (d) of the statutes first applies to taxable years
10 beginning on January 1 of the year following the year in which this subsection takes
11 effect.

12 (11) MEMBERS OF A TARGETED GROUP. The treatment of sections 71.07 (2dx) (a)
13 5., 71.28 (1dx) (a) 5., and 71.47 (1dx) (a) 5. 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 after July 31 the treatment of sections 71.07 (2dx) (a)
16 5., 71.28 (1dx) (a) 5., and 71.47 (1dx) (a) 5. of the statutes first applies to taxable years
17 beginning on January 1 of the year following the year in which this subsection takes
18 effect.

19 (12) HUB FACILITY. The treatment of sections 70.11 (42), 76.02 (1), and 78.55 (1)
20 of the statutes first applies to the property tax assessments as of January 1, 2002.

21 (13) REVENUES RECEIVED FROM AD VALOREM TAX ON AIR CARRIERS. The treatment
22 of section 20.395 (2) (dr) of the statutes first applies to moneys received from taxes
23 and fees on July 1, 2004.

24 (14) PALPABLE ERRORS. The treatment of sections 70.73 (1m) and 74.41 (1) (d)
25 of the statutes first applies to the property tax assessments as of January 1, 2001.

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1 (15) INTERNAL SERVICES. The treatment of section 20.566 (3) (k) of the statutes
2 first applies to internal services that are provided on the effective date of this
3 subsection.

4 (16) TAX RELIEF FUND TAX CREDIT. The treatment of sections 71.07 (7m) and 71.10
5 (4) (dt) of the statutes first applies to taxable years beginning on January 1 of the year
6 in which this subsection takes effect, except that if this subsection takes effect after
7 July 31 the treatment of sections 71.07 (7m) and 71.10 (4) (dt) of the statutes first
8 applies to taxable years beginning on January 1 of the year following the year in
9 which this subsection takes effect.

10 (17) RECYCLING SURCHARGE IMPOSED ON FARMS. The treatment of section 77.94
11 (1) (b) and (c) of the statutes first applies to taxable years beginning on January 1,
12 2001.

13 (18) PARTNERSHIPS AND LIMITED LIABILITY COMPANIES. The treatment of sections
14 71.22 (1r), 71.25 (15), and 71.45 (6) of the statutes first applies to taxable years for
15 partnership partners or limited liability company members beginning on January
16 1, 2001.

17 (19) TAXATION OF INTER VIVOS TRUSTS. The treatment of section 71.14 (3) (intro.)
18 and (3m) (a) (intro.) and (b) 2. of the statutes first applies, retroactively, to taxable
19 years beginning on January 1, 1999.

20 (20) GROWTH-SHARING REGION. The treatment of sections 20.835 (1) (d), (db), and
21 (dd), 25.50 (3) (b), 33.32 (3) (b), 79.01 (1), (5), and (6), 79.015, 79.02 (2) (b) and (3),
22 79.03 (1), (2), (3) (a), (b) 1., 3., 4. (intro.), a. to bm., d. to f., and h., 5., and 6., and (4),
23 79.06 (1) and (2), and 79.065 of the statutes first applies to payments made in 2002.

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1 (21) PROPERTY TAX EXEMPTION FOR REGIONAL PLANNING COMMISSIONS. The
2 treatment of section 70.11 (2) of the statutes first applies to the property tax
3 exemptions as of January 1, 2001.

4 (22) TECHNOLOGY ZONES CREDIT. The treatment of sections 71.07 (3g), 71.10 (4)
5 (grd), 71.28 (3g), 71.30 (3) (eon), 71.47 (3g), 73.03 (35m), and 560.96 of the statutes
6 first applies to taxable years beginning on January 1 of the year in which this
7 subsection takes effect, except that if this subsection takes effect after July 31 the
8 treatment of sections 71.07 (3g), 71.10 (4) (grd), 71.28 (3g), 71.30 (3) (eon), 71.47 (3g),
9 73.03 (35m), and 560.96 of the statutes first applies to taxable years beginning on
10 January 1 of the year following the year in which this subsection takes effect.

11 (23) TRANSFER OF RETAIL LICENSE OR PERMIT. The treatment of section 125.04 (12)
12 (c) of the statutes first applies to an application for a license or permit submitted to
13 an issuing authority on the effective date of this subsection.

14 (24) SALE BY SECURED PARTY. The treatment of section 125.06 (8) of the statutes
15 first applies to security interests entered into on the effective date of this subsection.

16 (25) OUT-OF-STATE SHIPPERS; PENALTIES. The treatment of section 125.30 (6) of
17 the statutes first applies to violations committed on the effective date of this
18 subsection.

19 (26) DEALERSHIPS. The treatment of sections 135.02 (3) (c) and 135.067 of the
20 statutes first applies to dealerships entered into on the effective date of this
21 subsection.

22 (27) PROPERTY TAXED IN PART. The renumbering of section 70.1105 of the statutes
23 and the creation of section 70.1105 (2) of the statutes first apply to the property tax
24 assessments as of January 1, 2001.

SENATE BILL 55**SECTION 9344**

1 (28) LICENSE FEE FOR LIGHT, HEAT, AND POWER COMPANY. The treatment of section
2 76.28 (1) (f) of the statutes first applies to the license fee assessments as of May 1,
3 2002.

4 **SECTION 9345. Initial applicability; secretary of state.**

5 **SECTION 9346. Initial applicability; state fair park board.**

6 **SECTION 9347. Initial applicability; supreme court.**

7 **SECTION 9348. Initial applicability; technical college system.**

8 **SECTION 9349. Initial applicability; technology for educational**
9 **achievement in Wisconsin board.**

10 (1) REPORT. The treatment of section 44.72 (2) (dm) of the statutes first applies
11 to reports concerning grants awarded under section 44.72 of the statutes, as affected
12 by this act, on the effective date of this subsection.

13 **SECTION 9350. Initial applicability; tobacco control board.**

14 **SECTION 9351. Initial applicability; tourism.**

15 **SECTION 9352. Initial applicability; transportation.**

16 (1) RAILS-WITH-TRAILS IMMUNITY. The treatment of section 895.518 of the
17 statutes first applies to use of a rails-with-trails trail on the effective date of this
18 subsection.

19 (2) URBAN MASS TRANSIT OPERATING ASSISTANCE. The treatment of section 85.20
20 (4m) (a) (intro.) and (4r) of the statutes first applies to contracts for aid payable for
21 calendar year 2001.

22 (3) STATE PATROL SECURITY AND TRAFFIC ENFORCEMENT SERVICES. The treatment
23 of section 85.51 (title) and (2) of the statutes and the renumbering and amendment
24 of section 85.51 of the statutes first apply to security and traffic enforcement services
25 requested or provided on the effective date of this subsection.

SENATE BILL 55**SECTION 9352**

1 (4) **SUSPENSION OF JUVENILES' OPERATING PRIVILEGES.** The treatment of sections
2 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes first applies to forfeitures
3 imposed on the effective date of this subsection.

4 (5) **DRIVER IMPROVEMENT SURCHARGES.** The treatment of section 346.655 (1) (as
5 it relates to driver improvement surcharges) of the statutes first applies to driver
6 improvement surcharges imposed for violations committed on the effective date of
7 this subsection.

8 (6) **OCCUPATIONAL LICENSE ELIGIBILITY.** The treatment of sections 343.30 (1q) (b)
9 3. and 4., 343.305 (10) (b) 3. and 4., and 343.31 (3) (bm) 3. and 4. and (3m) (a) and (b)
10 of the statutes first applies to violations committed or refusals occurring on the
11 effective date of this subsection, but does not preclude the counting of other
12 convictions, suspensions, or revocations as prior convictions, suspensions, or
13 revocations for purposes of administrative action by the department of
14 transportation, sentencing by a court, or revocation or suspension of motor vehicle
15 operating privileges.

16 (7) **IMMOBILIZATION AND IGNITION INTERLOCK DEVICES.** The treatment of sections
17 343.301 (1) (a) and (b) and (2) (a) and (b), 343.305 (10m), 346.65 (6) (a) 1., 940.09 (1d)
18 (a), and 940.25 (1d) (a) of the statutes first applies to violations committed or refusals
19 occurring on the effective date of this subsection, but does not preclude the counting
20 of other convictions, suspensions, or revocations as prior convictions, suspensions,
21 or revocations for purposes of administrative action by the department of
22 transportation, sentencing by a court, or revocation or suspension of motor vehicle
23 operating privileges.

24 **SECTION 9353. Initial applicability; treasurer.**

SENATE BILL 55**SECTION 9353**

1 (1) AGREEMENTS TO LOCATE PROPERTY OTHER THAN SUPPORT. The renumbering and
2 amendment of section 177.35 (2) of the statutes first applies to agreements entered
3 into on the effective date of this subsection.

4 (2) UNCLAIMED PROPERTY CLAIMS; SECURITIES. The treatment of section 177.22 (4)
5 of the statutes (as it relates to the amount that a person may claim for property
6 subject to that subsection) and the renumbering and amendment of section 177.24
7 (3) of the statutes (as it relates to the amount payable for a claim for property
8 presumed abandoned under section 177.10 of the statutes) first apply to claims filed
9 under section 177.24 of the statutes on the effective date of this subsection.

10 **SECTION 9354. Initial applicability; University of Wisconsin Hospitals**
11 **and Clinics Authority.**

12 **SECTION 9355. Initial applicability; University of Wisconsin Hospitals**
13 **and Clinics Board.**

14 **SECTION 9356. Initial applicability; University of Wisconsin System.**

15 (1) OFFERING OF COURSE SECTIONS. The treatment of sections 36.09 (1) (d) and
16 36.11 (41) of the statutes first applies to course sections offered in the 2002-03
17 academic year.

18 (2) ACADEMIC FEES. The treatment of sections 36.27 (1) (a) and (am) of the
19 statutes first applies to the setting of resident, undergraduate academic fees for the
20 2002-03 academic year.

21 **SECTION 9357. Initial applicability; veterans affairs.**

22 (1) TUITION AND FEE REIMBURSEMENT. The treatment of sections 45.25 (1), (3) (a),
23 (am), and (b) (intro.), and (4) (a) and 45.396 (2), (3) (intro.), (5), and (9) of the statutes
24 first applies to applications for reimbursement received on the effective date of this
25 subsection.

SENATE BILL 55**SECTION 9357**

1 (2) RESIDENCY REQUIREMENT FOR VETERANS PROGRAMS. The treatment of sections
2 45.25 (2) (d), 45.35 (5) (a) 2. c., 45.37 (3), (6) (f), and (7) (b), and 45.71 (16) (a) 2m. a.
3 of the statutes first applies to applications for benefit programs administered under
4 chapter 45 of the statutes, and applications for admission to the Wisconsin Veterans
5 Home at King and the Southern Wisconsin Veterans Retirement Center, that are
6 received on the effective date of this subsection.

7 **SECTION 9358. Initial applicability; workforce development.**

8 (1) WISCONSIN WORKS COMMUNITY STEERING COMMITTEES. The treatment of
9 section 49.143 (2) (a) (intro.), 7., and 11. of the statutes first applies to contracts
10 entered into, extended, modified, or renewed on the effective date of this subsection.

11 (2) RECEIPT AND DISBURSEMENT FEE INCREASE. The treatment of section 767.29
12 (1) (d) of the statutes (with respect to increasing the amount of the receipt and
13 disbursement fee) first applies to receipt and disbursement fees that are payable in
14 calendar year 2002.

15 (3) UNCLAIMED AND NOT DISTRIBUTABLE SUPPORT. The treatment of sections
16 20.445 (3) (qm) and (r) (with respect to the exception related to paragraph (qm)),
17 177.24 (3) (b) and (4), 177.25 (1m) and (2), and 177.265 of the statutes, the
18 renumbering of section 177.24 (1) of the statutes, and the creation of sections 177.17
19 (4) (a) 2., 177.24 (1) (b), and 177.35 (2) (b) of the statutes first apply retroactively to
20 amounts credited under section 20.912 (1) of the statutes to the support collections
21 trust fund, and amounts determined not to be distributable from the support
22 collections trust fund by the department of workforce development, on January 1,
23 1999.

SENATE BILL 55**SECTION 9358**

1 (4) CHILDREN FIRST PROGRAM. The treatment of section 49.36 (7) of the statutes
2 first applies to contracts entered into, extended, modified, or renewed on the effective
3 date of this subsection.

4 (5) WISCONSIN WORKS CHILD CARE SUBSIDY ELIGIBILITY. The treatment of section
5 49.155 (1m) (c) (intro.), 1. (intro.), 1g., 1h., 1m., 2., and 3. of the statutes first applies
6 to eligibility determinations for the Wisconsin works child care subsidy made on the
7 effective date of this subsection.

8 (6) WISCONSIN WORKS CHILD CARE FUNDS. The treatment of section 49.155 (3m)
9 (d) of the statutes first applies to child care funds distributed on the effective date
10 of this subsection.

11 (7) MEDICAL ASSISTANCE ELIGIBILITY DETERMINATIONS. The treatment of section
12 49.33 (1) (b), (2), (8) (a) and (b), and (10) (a) of the statutes first applies to contracts
13 entered into, extended, modified, or renewed on the effective date of this subsection.

14 **SECTION 9359. Initial applicability; other.**

15 (1) CRIMES RELATED TO COMPUTERS AND CRIMES RELATED TO RECORDINGS OF NUDITY,
16 HARMFUL MATERIAL, OR OBSCENITY. The treatment of sections 943.70 (1) (a) and (ag) and
17 (2) (a) (intro.) and 3., (b) (intro.), 1., 3., 3g., and 3r., and (c), 944.205 (title), (2) (a) and
18 (b), (3), and (4), 944.21 (2) (am), (c) (intro.), and (dm), (3) (a), (4) (a) and (b), and (9),
19 948.01 (1d) and (3r), 948.05 (1) (a) and (b) and (1m), 948.07 (4), and 948.11 (1) (ar)
20 2., (bm), and (c) and (2) (c) of the statutes; the renumbering of section 948.12 of the
21 statutes; the renumbering and amendment of sections 944.205 (1), 948.11 (2) (a),
22 (am), and (b), and 948.12 of the statutes; and the creation of sections 944.205 (1) (a)
23 and (c), 948.11 (2) (a) 1. and 2., (am) 1. and 2., and (b) 1. and 2., and 948.12 (2m) of
24 the statutes first apply to offenses committed on the effective date of this subsection.

SENATE BILL 55**SECTION 9359**

1 (2) THEFT OF LEASED OR RENTED MOTOR VEHICLES. The treatment of section 943.20
2 (1) (e) of the statutes first applies to a lease or rental agreement that expires on the
3 effective date of this subsection.

4 (3) ENVIRONMENTAL REMEDIATION TAX INCREMENTAL FINANCING. The treatment of
5 sections 66.1106 (1) (e), (f), (fm), (g), (i), (jm), and (k), (1m), (2) (a), (4) (intro.) and (b),
6 (7) (a) and (d) 1., (9), (10) (a), (b), (c), and (d), (11), and (12), 74.23 (1) (b), 74.25 (1) (b)
7 1. and 2., 74.30 (1) (i) and (j) and (2) (b), 79.095 (1) (c) and (2) (b), and 234.01 (4n) (a)
8 3m. a. of the statutes first applies to an environmental remediation tax incremental
9 district, the written remediation proposal for which is approved by the political
10 subdivision's governing body on the effective date of this subsection.

11 (4) PENALTY ASSESSMENT AND LAW ENFORCEMENT TRAINING FUND ASSESSMENT. The
12 treatment of sections 23.50 (1), (2), and (3), 23.51 (3t) and (8), 23.53 (1), 23.54 (3) (e),
13 (i), and (j), 23.55 (1) (b), 23.66 (2) and (4), 23.67 (2) and (3), 23.75 (3) (a) 2., (b), and
14 (c), 23.79 (1), 23.80 (2), 23.84, 23.85, 48.37 (2), 59.25 (3) (f) 2., 59.40 (2) (m), 66.0113
15 (1) (b) 7. c. and d. and (c) and (3) (a), (b), (c), and (d), 66.0114 (1) (b) and (bm), 102.85
16 (5) (a), 102.87 (2) (e), (g), and (h), (3), (4), (5), (6), (7) (b) and (c), and (9), 165.87 (title)
17 and (1) (a), (b), (c), and (d), 345.26 (1) (b) 1. and (2) (b), 345.36 (2) (b), 345.37 (1) (b),
18 (2), and (5), 345.375 (2), 345.47 (1) (intro.), (b), and (c), (2), and (3), 345.49 (1) and (2),
19 345.61 (2) (c), 346.655 (1) and (2) (b), 757.05 (1) (a), (b), (c), and (d) and (2) (title),
20 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 778.25 (2) (g), (3), (5), (8) (b),
21 and (10), 778.26 (2) (e), (g), and (h), 778.26 (3), (4), (5), (6), (7) (b) and (c), and (9),
22 800.02 (2) (a) 8. and (3) (a) 5., 800.03 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and
23 (a) and (2) (b), 800.10 (2), 800.12 (2), 814.60 (2) (ad), 814.63 (3) (ad), 938.237 (2),
24 938.37 (3), 961.41 (5) (a), 973.05 (1) and (2), 973.055 (2) (b), and 973.07 of the statutes
25 (with respect to treatment of the penalty assessment and the law enforcement

SENATE BILL 55**SECTION 9359**

1 training fund assessment); and the renumbering and amendment of section 757.05
2 (2) (a) and (b) of the statutes; first apply to penalty assessments and law enforcement
3 training fund assessments imposed on the effective date of this subsection.

4 (5) TIME LIMITATIONS ON PROSECUTIONS IN CERTAIN SEXUAL ASSAULT CASES. The
5 treatment of section 939.74 (1), (2) (c), and (2d) of the statutes first applies to offenses
6 not barred from prosecution on the effective date of this subsection.

7 (6) MISDEMEANORS FOR WHICH PRISON SENTENCES MAY BE IMPOSED; PENALTIES FOR
8 ATTEMPTS. The treatment of sections 302.11 (1z), 939.32 (1m), 973.01 (1) and (2) (a)
9 and (b) (intro.), and 973.09 (2) (a) 2., (ag), (am) (title), and (b) (title), 1., and 2. of the
10 statutes, the renumbering and amendment of sections 971.17 (1) and 973.01 (2) (b)
11 6. of the statutes, the consolidation, renumbering and amendment of section 973.09
12 (2) (intro.) and (a) 1. of the statutes, and the creation of sections 971.17 (1) (b) and
13 (d) and 973.01 (2) (b) 6. a. and b. of the statutes first apply to crimes committed on
14 the effective date of this subsection.

15 (7) CONCURRENT AND CONSECUTIVE SENTENCES. The treatment of section 973.15
16 (2m) of the statutes first applies to persons sentenced for crimes committed on the
17 effective date of this subsection.

18 (8) SPECIAL CHARGES FOR MUNICIPAL SERVICES. The treatment of sections 66.0627
19 (2) and 66.0707 (2) of the statutes first applies to special charges that are imposed
20 on the effective date of this subsection.

21 (9) REGISTER OF DEEDS; FEES TO CERTIFY COPIES. The treatment of section 59.43
22 (2) (b) of the statutes first applies to copies that are certified on the effective date of
23 this subsection.

24 (10) USE OF COUNTY PAYMENTS. The treatment of section 79.085 of the statutes
25 first applies to payments that are received on the effective date of this subsection.

SENATE BILL 55**SECTION 9400**

1 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
2 SECTIONS 9401 to 9459 of this act, this act takes effect on July 1, 2001, or on the day
3 after publication, whichever is later.

4 **SECTION 9401. Effective dates; administration.**

5 (1) TRANSFER OF INDIAN GAMING RECEIPTS. The repeal of section 20.505 (8) (hm)
6 21. of the statutes takes effect on July 1, 2003.

7 **SECTION 9402. Effective dates; adolescent pregnancy prevention and**
8 **pregnancy services board.**

9 **SECTION 9403. Effective dates; aging and long-term care board.**

10 **SECTION 9404. Effective dates; agriculture, trade and consumer**
11 **protection.**

12 (1) AGRICULTURAL PRODUCER SECURITY. The treatment of sections 15.137 (1),
13 20.115 (1) (g) (by SECTION 397), (gf), (gm), (jm), (q), (v), (w), and (wb), 25.17 (1) (ag),
14 25.463, 165.25 (4) (ar) (by SECTION 2856), 221.0320 (2) (a) (intro.), and 348.27 (10) and
15 chapter 126 of the statutes and SECTIONS 9104 (1) and 9204 (1) and (2) of this act take
16 effect on January 1, 2002.

17 (2) VEGETABLE CONTRACTORS. The treatment of sections 93.135 (1) (rm), 93.50
18 (1) (g), 97.29 (4), 100.03, and 100.235 (1) (b) and (em), (2), (3), and (4) of the statutes
19 takes effect on February 1, 2002.

20 (3) MILK CONTRACTORS. The treatment of sections 97.20 (2) (d) 2. and (3m), 97.22
21 (10), 100.06, and 100.26 (5) of the statutes takes effect on May 1, 2002.

22 (4) GRAIN DEALERS AND WAREHOUSE KEEPERS. The treatment of sections 93.06 (8),
23 93.135 (1) (s) and (sm), 93.20 (1), 93.21 (5) (a), and 221.0320 (2) (a) (intro.) and
24 chapter 127 of the statutes takes effect on September 1, 2002.

25 **SECTION 9405. Effective dates; arts board.**

SENATE BILL 55**SECTION 9406**

1 **SECTION 9406. Effective dates; boundary area commission,**
2 **Minnesota-Wisconsin.**

3 **SECTION 9407. Effective dates; building commission.**

4 **SECTION 9408. Effective dates; child abuse and neglect prevention**
5 **board.**

6 **SECTION 9409. Effective dates; circuit courts.**

7 (1) COURT INTERPRETERS. The treatment of sections 48.315 (1) (h), 48.375 (7) (d)
8 1m., 885.37 (title), (1), (1g), (2), (3) (b), (3m), (4) (a) (intro.) and (b), (5) (a), and (6) to
9 (10), 905.015, and 938.315 (1) (h) of the statutes and SECTION 9309 (1) of this act take
10 effect on July 1, 2002.

11 (2) TAKING JUVENILES INTO CUSTODY. The treatment of sections 938.19 (1) (d) 6.,
12 938.20 (2) (cm), (7) (c) 1m., and (8), 938.205 (1) (c), 938.208 (1) (intro.), 938.355 (6d)
13 (a) 4., (b) 4., and (c) 4., 938.533 (3) (a), 938.534 (1) (b) 3m., 938.538 (4) (a) (by SECTION
14 3922), and 938.539 (3) of the statutes and SECTION 9309 (2) of this act take effect on
15 the first day of the 4th month beginning after publication.

16 **SECTION 9410. Effective dates; commerce.**

17 **SECTION 9411. Effective dates; corrections.**

18 (1) ELIMINATION OF JUVENILE BOOT CAMP PROGRAM. The treatment of sections
19 301.205, 938.02 (15m), 938.34 (4n) (intro.), and 938.532 (title), (2), and (3) of the
20 statutes and the repeal of section 938.532 (1) of the statutes take effect on the first
21 day of the 3rd month beginning after publication.

22 **SECTION 9412. Effective dates; court of appeals.**

23 **SECTION 9413. Effective dates; district attorneys.**

24 (1) TELEPHONE SOLICITATIONS. The treatment of sections 100.264 (2) (intro.),
25 100.52 (title), (1) (title), (a), (b), (c), and (d), (3), (4), (5), (6), (7), and (8), 134.72 (title),

SENATE BILL 55**SECTION 9413**

1 (1) (c), (2) (title), (a), and (b) (title), (3) (a) and (b), and (4) of the statutes, the
2 renumbering of section 134.72 (2) (b) 1. (intro.), a., and b. of the statutes, and the
3 renumbering and amendment of section 134.72 (2) (b) 2. of the statutes take effect
4 on the first day of the 3rd month beginning after publication.

5 **SECTION 9414. Effective dates; educational communications board.**

6 **SECTION 9415. Effective dates; elections board.**

7 (1) ELECTIONS ADMINISTRATION. The treatment of sections 5.02 (1), (1a), (15m),
8 and (17), 5.05 (1) (f), 5.15 (6) (b), 5.40 (6), 6.15 (2) (title), (a) (intro.), (bm), (d) 1g., and
9 (e) and (3) (a) (title), 1., 2., and 3., 6.20, 6.24 (3), (4) (a) and (c), and (8), 6.27 (1) and
10 (2) to (5), 6.28 (1), (2) (b), and (3), 6.29 (1) and (2) (a) and (b), 6.33 (title), (1), (2) (a),
11 and (5), 6.35 (2), (3), (5), and (6), 6.36 (1), (2) (a), and (3), 6.47 (2) and (3), 6.50 (1)
12 (intro.), (2m) (a) and (b), (2s), and (10), 6.54, 6.55 (2) (a) 1. (intro.), (b), (c) 1. and 2.,
13 and (d), (3), and (7) (c) 1. and 2., 6.79 (intro.), (1), (2), (3), (4), (5), and (6) (title), (a),
14 (am), and (b), 6.82 (1) (a), 6.86 (3) (a), 6.88 (3) (a), 6.94, 6.95, 7.08 (1) (c), (5), (6), and
15 (7), 7.10 (1) (b) and (7), 7.15 (1) (intro.), (c), and (e) and (4), 7.30 (1), (2), and (4) (b)
16 2., 7.33 (2), 7.37 (7), 7.51 (2) (a), (c), and (e), (4) (a), and (5), 9.01 (1) (b) 1., 10.02 (3)
17 (a), 12.13 (2) (b) 9., 12.60 (1) (bm), 20.510 (1) (b) and (gm), 20.923 (6) (bb), 59.05 (2),
18 79.02 (2) (b) and (3), 117.20 (2), 120.06 (5), 125.05 (2) (h), and 230.08 (2) (oe) of the
19 statutes, the repeal of section 6.15 (3) (b) (title) of the statutes, and the renumbering
20 and amendment of section 6.15 (3) (b) of the statutes take effect on January 1, 2002.

21 **SECTION 9416. Effective dates; employee trust funds.**

22 **SECTION 9417. Effective dates; employment relations commission.**

23 **SECTION 9418. Effective dates; employment relations department.**

24 **SECTION 9419. Effective dates; ethics board.**

25 **SECTION 9420. Effective dates; financial institutions.**

SENATE BILL 55**SECTION 9420**

1 (1) UNIVERSAL BANKING.

2 (a) The treatment of sections 220.04 (9) (a) 2., 220.14 (5), 222.0101, 222.0103
3 to 222.0401, 222.0403 (3) (intro.) and (b) and (4) to (10), 222.0405 to 222.0411,
4 222.0413 (1), (2) (a), and (3) to (9), and 222.0415 of the statutes and the creation of
5 section 222.0403 (3) (a) (intro.) of the statutes take effect on the first day of the 3rd
6 month beginning after publication.

7 (b) The amendment of section 222.0403 (3) (a) (intro.) of the statutes takes
8 effect on September 1, 2002.

9 (2) FEES; ANNUAL FILING REPORTS. The treatment of sections 183.0105 (8) (c) and
10 (cm), 183.0910, 183.0911, 183.0912, and 183.0913 of the statutes takes effect on
11 January 1, 2002.

12 **SECTION 9421. Effective dates; governor.**

13 **SECTION 9422. Effective dates; Health and Educational Facilities**
14 **Authority.**

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

16 (1) COMMUNITY SERVICES DEFICIT REDUCTION. The repeal and recreation of section
17 49.45 (6t) (intro.) and (a) of the statutes takes effect on July 1, 2003.

18 (2) RATE-BASED SERVICE CONTRACTS. The treatment of section 46.036 (5m) (a) 1.,
19 (b) 1. and 2., (e), and (em) of the statutes takes effect on the first January 1 after
20 publication.

21 (3) DEATH CERTIFICATE MEDICAL CERTIFICATION. The treatment of sections 69.01
22 (16m), 69.11 (3) (b) 2., and 69.18 (1) (bm) (intro.) and (2) (a) and (d) 1. and 2. of the
23 statutes, the renumbering and amendment of section 69.20 (2) (a) of the statutes, and
24 the creation of section 69.20 (2) (a) 2. of the statutes take effect on January 1, 2003.

SENATE BILL 55**SECTION 9423**

1 (4) VITAL RECORDS FEE INCREASES. The treatment of section 69.22 (1) (intro.), (a),
2 (b), and (d), (2), (5) (a) 2. and 3. and (b) 1., and (6) of the statutes takes effect on the
3 first day of the 2nd month beginning after publication.

4 (5) PREADMISSION INFORMATION AND REFERRAL. The treatment of sections 50.034
5 (5g) and (8) (a) and 50.035 (9) (title) and (11) (a) of the statutes, the renumbering of
6 section 50.035 (9) of the statutes, and the creation of section 50.035 (9) (b) of the
7 statutes and SECTION 9323 (8) of this act take effect on January 1, 2002.

8 (6) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a) 1.,
9 1m., 6., 9., 10., 11., 12. and (e), 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1., and (b) 2m.
10 a. and (6) (a) 7. of the statutes and SECTION 9323 (10) of this act take effect on the first
11 day of the 2nd month beginning after publication.

12 (7) SUPPLEMENTAL MEDICAL ASSISTANCE PAYMENTS TO NURSING HOMES. The
13 amendment of section 49.45 (6u) (intro.) of the statutes takes effect retroactively to
14 July 1, 2000.

15 (8) FACILITY AND TREATMENT FACILITY; ENFORCEMENT. The treatment of sections
16 46.031 (2r) (a) 3., 50.01 (4r), 50.02 (1), (1d), (2) (am) 2., and (3g) (a) 1., 2., 3., 4., 5., 6.,
17 7., and 8., 50.03 (2) (d), (3) (f), (4) (a) 1. b., (c) 1., 2., and 3., and (cm) 3., (5), (5g) (title),
18 (a), (b), (c) (intro.), 1., 2., and 3., (d), (e), (f), and (g) 1. and 3., (5m) (a) 2. and 3., (11),
19 and (13) (c), 50.033 (2) and (4), 50.034 (2) (f) and (7), 50.04 (4) (d) and (e) 3., (5) (e) and
20 (f), and (6) (title), (a), (b), (c), (d), (e), (f), and (g), 50.05 (2) (b) and (c), 50.053, 50.09
21 (6) (d), 50.14 (6), 50.35, 50.37 (1), 50.49 (6) (b), (7), (9), and (10), 50.498 (1) (c), (1m),
22 (3), (4), and (5), 50.51 (2) (b), 50.52 (2) (intro.) and (4), 50.55 (1) and (2) (title), 50.925,
23 50.93 (1) (intro.), (2) (a), (3), (3g), and (4), 50.95 (7), 50.98 (title), (1), (2), (3), (4), (5),
24 and (6), 51.032 (1) (b) and (e), (4), and (5), 51.04, 51.08, 51.09, 51.30 (10) (b), 51.45
25 (2) (b) and (c), (8) (title), (a), (b), (c), (d), (e), and (f), 73.0301 (1) (d) 3., 165.40 (6) (a)

SENATE BILL 55**SECTION 9423**

1 (intro.), 301.031 (2r) (a) 3., 343.06 (1) (d), and 632.89 (1) (e) 1. of the statutes, the
2 repeal of sections 50.034 (8) and 50.035 (11) of the statutes, and SECTION 9323 (12)
3 and (13) of this act take effect on the first day of the 7th month beginning after
4 publication.

5 (9) TRANSFER OF CHILD FOR ADOPTION. The treatment of sections 48.43 (7) and
6 48.485 of the statutes and SECTION 9323 (14) of this act take effect on January 1, 2002,
7 or on the day after publication, whichever is later.

8 (10) ADOPTION SEARCHES. The treatment of sections 20.435 (3) (jj), 48.432 (3) (c),
9 48.433 (1) (a), (2), (3) (intro.), (4), (5) (intro.) and (a), (6) (a) and (d), (7) (a) (intro.), (b),
10 (c), (d), (e), and (f), (8) (a) (intro.) and (b), (8m), (9), and (11), and 48.61 (8) of the
11 statutes takes effect on January 1, 2002, or on the day after publication, whichever
12 is later.

13 (11) MEDICAL ASSISTANCE FOR WOMEN WITH BREAST OR CERVICAL CANCER. The
14 treatment of sections 49.43 (8) and 49.473 of the statutes takes effect on January 1,
15 2002.

16 **SECTION 9424. Effective dates; higher educational aids board.**

17 **SECTION 9425. Effective dates; historical society.**

18 **SECTION 9426. Effective dates; Housing and Economic Development**
19 **Authority.**

20 (1) TECHNICAL CHANGE TO SUPPORT LIEN DOCKET LANGUAGE. The treatment of
21 sections 234.65 (3) (f), 234.83 (2) (a) 3., and 234.90 (3) (d) and (3g) (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 49.854 (2) (e)
24 of the statutes.

25 **SECTION 9427. Effective dates; insurance.**

SENATE BILL 55**SECTION 9427**

1 (1) MANAGEMENT CONTRACTS. The treatment of sections 611.67 (1) (intro.), (a),
2 (b), (c), and (d), (2), (3), and (4) and 618.22 (1) and (2) (intro.) of the statutes takes
3 effect on January 1, 2004.

4 **SECTION 9428. Effective dates; investment board.**

5 **SECTION 9429. Effective dates; joint committee on finance.**

6 **SECTION 9430. Effective dates; judicial commission.**

7 **SECTION 9431. Effective dates; justice.**

8 **SECTION 9432. Effective dates; legislature.**

9 **SECTION 9433. Effective dates; lieutenant governor.**

10 **SECTION 9434. Effective dates; lower Wisconsin state riverway board.**

11 **SECTION 9435. Effective dates; Medical College of Wisconsin.**

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

13 **SECTION 9437. Effective dates; natural resources.**

14 (1) DRY CLEANER POLLUTION PREVENTION. The treatment of section 292.65 (5) (c)
15 (intro.) of the statutes and the renumbering of section 292.65 (5) (b) 1., 2., and 5. of
16 the statutes take effect on first day of the 13th month beginning after publication.

17 (2) CLEAN WATER FUND PROGRAM BONDING. The treatment of section 20.866 (2)
18 (tc) (by SECTION 964) of the statutes takes effect on July 1, 2003.

19 (3) VEHICLE ADMISSION FEES. The treatment of section 27.01 (7) (f) 1., (g) 1. and
20 2., and (gm) 1. of the statutes takes effect on January 1, 2002, or on the day after
21 publication, whichever is later.

22 **SECTION 9438. Effective dates; personnel commission.**

23 **SECTION 9439. Effective dates; public defender board.**

24 **SECTION 9440. Effective dates; public instruction.**

SENATE BILL 55**SECTION 9440**

1 (1) OPEN ENROLLMENT. The treatment of section 118.51 (3) (a) 2., (4) (a) 3., and
2 (5) (a) (intro.) and 1. and (c) of the statutes takes effect on January 1, 2002.

3 (2) MILWAUKEE PARENTAL CHOICE PROGRAM; PUPIL ASSESSMENTS, BOARD ON
4 EDUCATION EVALUATION AND ACCOUNTABILITY. The treatment of sections 16.963, 20.255
5 (1) (dw) (by SECTION 545) and (2) (cu), 20.923 (4) (c) 2., 115.38 (1), (1g), (2), (3), (4) (by
6 SECTION 2644), and (5) (by SECTION 2646), 118.30 (1), (1b), (1g) (b) and (c), (1m) (a) 1.
7 (by SECTION 2701) and (am) 1. (by SECTION 2703), (1r) (a) 1. (by SECTION 2705) and
8 (am) 1. (by SECTION 2707), (1s), (2) (b) 1., 2., and 5., (3) (a) (by SECTION 2713) and (b)
9 (by SECTION 2715), (4), (6), and (7), 118.38 (1) (a) 8., 118.43 (7) (by SECTION 2737), and
10 121.02 (1) (r) of the statutes and SECTION 9140 (6) of this act take effect on July 1,
11 2002.

12 **SECTION 9441. Effective dates; public lands, board of commissioners of.**

13 **SECTION 9442. Effective dates; public service commission.**

14 (1) WATER AND SEWER SERVICE TO MANUFACTURED HOME PARKS. The treatment of
15 sections 20.155 (1) (g) and (i), 100.20 (2) (b), 101.91 (2b), (2d), (2f), (2h), (2k), (5), and
16 (6), 101.93 (title), 101.937 (title) and (6) (title) and (b) to (g), 196.01 (3n), (3p), (3q),
17 (3s), and (3t), 196.26 (1) (a), (1m), and (2) (a) and (b), 196.28 (1) and (3), 196.498 (title),
18 (2), (3), (4), (5), and (6), and 196.85 (2g), (3), (4) (a), and (5) and subchapter V (title)
19 of chapter 101 of the statutes takes effect on the first day of the 7th month beginning
20 after publication.

21 **SECTION 9443. Effective dates; regulation and licensing.**

22 (1) IRREVOCABLE BURIAL TRUSTS. The treatment of section 445.125 (1) (a) 2. of
23 the statutes and SECTION 9343 (1) of this act take effect on January 1, 2003.

24 (2) INITIAL AND RENEWAL CREDENTIAL FEES. The treatment of sections 440.05 (1)
25 (a) and 440.08 (2) (a) 1., 2., 3., 4., 4m., 5., 6., 7., 9., 11., 11m., 12., 13., 14., 14f., 14g.,

SENATE BILL 55**SECTION 9443**

1 14r., 15., 16., 18., 20., 24., 25., 26., 27., 27m., 28., 29., 30., 31., 34., 35., 35m., 36., 37.,
2 38., 38g., 38m., 39., 42., 43., 45., 46., 46m., 48., 49., 50., 51., 52., 53., 54., 55., 56., 57.,
3 58., 59., 60., 61., 63., 63g., 63m., 63t., 63u., 63v., 63w., 63x., 64., 65., 66., 67., 67m.,
4 67q., 67v., 68., 68d., 68h., 68p., 68t., 68v., 69., 70., and 71. of the statutes and the
5 repeal and recreation of section 440.08 (2) (a) 62. of the statutes take effect on
6 September 1, 2001, or on the first day of the 2nd month beginning after publication,
7 whichever is later.

SECTION 9444. Effective dates; revenue.

8
9 (1) SALES TAX ON REPAIRS AND SERVICES. The treatment of section 77.52 (2) (a) 10.
10 of the statutes takes effect on the first day of the 2nd month beginning after
11 publication.

12 (2) WHOLESALE MERCHANT PLANTS. The treatment of sections 76.025 (2), 76.28
13 (1) (e) (intro.) and (2) (a), 76.29, 76.48 (1r), and 79.04 (1) (a) and (c) 2. and (2) (a) of
14 the statutes takes effect on January 1, 2002.

15 (3) CUSTOM COMPUTER PROGRAMS. The treatment of section 77.51 (20) of the
16 statutes takes effect on first day of the 2nd month beginning after publication.

17 (4) TRANSFER OF RETAIL LICENSE OR PERMIT. The treatment of section 125.04 (12)
18 (c) of the statutes and SECTION 9344 (23) of this act take effect on the first day of the
19 12th month beginning after publication.

20 (5) OUT-OF-STATE SHIPPERS; PENALTY. The treatment of section 125.30 (6) of the
21 statutes and SECTION 9344 (25) of this act take effect on the first day of the 6th month
22 beginning after publication.

SECTION 9445. Effective dates; secretary of state.**SECTION 9446. Effective dates; state fair park board.****SECTION 9447. Effective dates; supreme court.**

SENATE BILL 55**SECTION 9448**

1 **SECTION 9448. Effective dates; technical college system.**

2 **SECTION 9449. Effective dates; technology for educational**
3 **achievement in Wisconsin board.**

4 **SECTION 9450. Effective dates; tobacco control board.**

5 **SECTION 9451. Effective dates; tourism.**

6 **SECTION 9452. Effective dates; transportation.**

7 (1) SPECIAL LICENSE PLATES FEES. The treatment of section 341.14 (2), (2m), (6)
8 (d) and (e), (6m) (a), (6r) (b) 2., 3., 4., 6., 7., and 8. (intro.), and (8) of the statutes takes
9 effect on the first day of the 7th month beginning after publication.

10 (2) OPERATING RECORDS FEES. The treatment of sections 343.24 (2) (a), (b), and
11 (c) and (2m) and 343.245 (3m) (b) of the statutes takes effect on the first day of the
12 7th month beginning after publication.

13 (3) ENVIRONMENTAL IMPACT FEES. The treatment of section 342.14 (1r) of the
14 statutes takes effect on October 1, 2001.

15 (4) AERONAUTICAL ACTIVITIES. The treatment of section 20.395 (2) (dc), (dq), (dr),
16 and (dt) and (9) (rd) of the statutes, the repeal and recreation of section 20.395 (4)
17 (aq) and (9) (td) of the statutes, and SECTION 9252 (1) of this act take effect on July
18 1, 2004.

19 (5) SUSPENSION OF JUVENILES' OPERATING PRIVILEGES. The treatment of sections
20 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes takes effect on the first day
21 of the 7th month beginning after publication.

22 (6) GRANTS TO LOCAL PROFESSIONAL FOOTBALL STADIUM DISTRICTS. The repeal of
23 section 20.395 (1) (gr) of the statutes takes effect on July 1, 2002.

SENATE BILL 55**SECTION 9452**

1 (7) SUPPLEMENTAL MASS TRANSIT AIDS. The treatment of sections 20.395 (1) (jq),
2 (jr), (js), and (jt) and 85.20 (4m) (b) 1. and (4p) of the statutes takes effect on January
3 1, 2002.

4 (8) OCCUPATIONAL LICENSE ELIGIBILITY. The treatment of sections 343.30 (1q) (b)
5 3. and 4., 343.305 (10) (b) 3. and 4., and 343.31 (3) (bm) 3. and 4. and (3m) (a) and (b)
6 of the statutes and SECTION 9352 (6) of this act take effect on January 1, 2002.

7 (9) IMMOBILIZATION IGNITION INTERLOCK DEVICES. The treatment of sections
8 343.301 (1) (a) and (b) and (2) (a) and (b), 343.305 (10m), 346.65 (6) (a) 1., 940.09 (1d)
9 (a), and 940.25 (1d) (a) of the statutes and SECTION 9352 (7) of this act take effect on
10 January 1, 2002.

11 **SECTION 9453. Effective dates; treasurer.**

12 **SECTION 9454. Effective dates; University of Wisconsin Hospitals and**
13 **Clinics Authority.**

14 **SECTION 9455. Effective dates; University of Wisconsin Hospitals and**
15 **Clinics Board.**

16 **SECTION 9456. Effective dates; University of Wisconsin System.**

17 **SECTION 9457. Effective dates; veterans affairs.**

18 (1) EDUCATION CENTER GRANT. The repeal of section 20.485 (2) (vj) of the statutes
19 takes effect on July 1, 2003.

20 **SECTION 9458. Effective dates; workforce development.**

21 (1) FEDERAL BLOCK GRANT OPERATIONS APPROPRIATION. The treatment of section
22 20.445 (3) (mc) (by SECTION 742) of the statutes takes effect on January 6, 2003.

23 **SECTION 9459. Effective dates; other.**

SENATE BILL 55**SECTION 9459**

1 (1) SALE OF TOBACCO SETTLEMENT REVENUES. The amendment of section 25.69 of
2 the statutes and the repeal of section 20.855 (4) (rc), (rp), and (rv) of the statutes take
3 effect on July 1, 2003.

4 (2) CAPITOL OFFICES RELOCATION. The treatment of sections 16.836, 20.855 (3)
5 (a), and 20.865 (2) (a) of the statutes takes effect on July 1, 2003.

6 (3) MISDEMEANORS FOR WHICH PRISON SENTENCES MAY BE IMPOSED; PENALTIES FOR
7 ATTEMPTS. The treatment of sections 302.11 (1z), 939.32 (1m), 973.01 (1) and (2) (a)
8 and (b) (intro.), and 973.09 (2) (a) 2., (ag), (am) (title), and (b) (title), 1., and 2. of the
9 statutes, the renumbering and amendment of sections 971.17 (1) and 973.01 (2) (b)
10 6. of the statutes, the consolidation, renumbering and amendment of section 973.09
11 (2) (intro.) and (a) 1. of the statutes, the creation of sections 971.17 (1) (b) and (d) and
12 973.01 (2) (b) 6. a. and b. of the statutes, and SECTION 9359 (6) and (7) of this act take
13 effect on the first day of the 7th month beginning after publication.

14 (4) SUPPLEMENTAL APPROPRIATIONS. The repeal of section 20.865 (1) (cc), (id),
15 (mb), (sb), and (xb) of the statutes takes effect on June 30, 2003.

16

(END)