

# Summary of the 2007-2008 Wisconsin Legislative Session

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## Wisconsin Legislative Reference Bureau

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## Abbreviations

|             |   |             |  |
|-------------|---|-------------|--|
| AB .....    | Assembly Bill   | DOR .....   | Department of Revenue                                      |
| DATCP ..... | Department of Agriculture, Trade<br>and Consumer Protection | DOT .....   | Department of Transportation                               |
| DCF .....   | Department of Children and<br>Families                      | DPI .....   | Department of Public Instruction                           |
| DER .....   | Department of<br>Employment Relations                       | DRL .....   | Department of Regulation and<br>Licensing                  |
| DETF .....  | Department of Employee<br>Trust Funds                       | DVA .....   | Department of Veterans Affairs                             |
| DFI .....   | Department of Financial<br>Institutions                     | DWD .....   | Department of Workforce<br>Development                     |
| DHFS .....  | Department of Health and<br>Family Services                 | JCF .....   | Joint Committee on Finance                                 |
| DMA .....   | Department of Military<br>Affairs                           | PSC .....   | Public Service Commission                                  |
| DNR .....   | Department of Natural<br>Resources                          | SB .....    | Senate Bill  |
| DOA .....   | Department of<br>Administration                             | UW .....    | University of Wisconsin                                    |
| DOC .....   | Department of Corrections                                   | WHEDA ..... | Wisconsin Housing and<br>Economic Development<br>Authority |
| DOJ .....   | Department of Justice                                       | WRS .....   | Wisconsin Retirement<br>System                             |

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## **Introduction**

This bulletin provides an overview of the acts and joint resolutions of the 2007-2008 Wisconsin Legislature. Legislation is organized by topic with acts described under the appropriate subject heading or headings. Significant acts and joint resolutions are highlighted by shading. The bulletin also includes summaries of enrolled joint resolutions that propose amendments to the Wisconsin Constitution under the heading “Constitutional Amendments.”

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## Administrative Law

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**Act 180** (AB-410) provides that if the Joint Committee for Review of Administrative Rules grants a 30-day extension to review a proposed rule, the extension starts at the end of the initial review period.

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## Agriculture

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**Act 20** (SB-40) creates the Buy Local, Buy Wisconsin Program under which DATCP promotes, through grants and other activities, local consumption of agricultural products produced in Wisconsin.

**Act 26** (SB-177) imposes a 0.4 cent per bushel assessment on corn growers to be paid to the Corn Promotion Board for activities designed to increase sales of corn.

**Act 37** (AB-52) provides that a police dog who bites a person while performing law enforcement functions is not required to be quarantined under the rabies control law if the dog is immunized against rabies.

**Act 62** (SB-297) makes minor changes to the regulation of persons who operate nurseries, sell plants, or grow Christmas trees.

**Act 223** (AB-83) creates the Agricultural Education and Workforce Development Council to advise state agencies about improving training and increasing employment in fields related to agriculture, food, and natural resources.

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## Beverages

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**Act 3** (SB-52) provides that on the Sunday that daylight saving time begins, certain beer and liquor retailers, including taverns, may remain open until 3:30 a.m.

**Act 8** (AB-206) allows an unaccompanied, underage person to be on premises for which a retail alcohol beverage license is issued to the Wisconsin Renaissance Faire in Chippewa Falls.

**Act 9** (AB-122) allows certain beer retailers, including grocery and liquor stores, to provide free samples of beer to customers.

**Act 20** (SB-40) creates a brewpub permit for an applicant that makes 10,000 barrels of beer or less each year, operates a restaurant on the premises at which the sale of alcohol beverages is less than 60 percent of the restaurant's gross receipts, holds a retail beer license for the restaurant, and sells beer other than its own in the restaurant. A brewpub permit-holder may annually make up to 10,000 barrels of beer on the premises, bottle the beer, transport the beer to other brewpub or retail premises, sell and deliver the beer to wholesalers, annually sell at wholesale and deliver to retailers up to 1,000 barrels of the beer, and sell alcohol beverages at retail at the brewpub under the brewpub's retail license. The act restricts a brewpub to six permits for brewpub locations and allows retail licenses only for restaurants on brewpub premises. The act prohibits a person issued a brewer's permit after November 25, 2007, from holding a restaurant permit. The act repeals the authorization for a small brewer to possess a retail beer license for up to four restaurants meeting certain criteria.

Act 20 also allows a caterer issued a retail beer or liquor license to sell beer or liquor at the National Railroad Museum in Green Bay during special events held at the museum.

**Act 69** (AB-500) prohibits a member of a municipal governing body from holding a liquor wholesaler's permit or, with respect to the issuance or denial of a retail liquor license, from violating specified provisions of the code of ethics for local government officials.

**Act 85** (SB-485) makes numerous changes to laws related to wine distribution and production, and to distribution and sale of other alcohol beverages, including the following:

1. Eliminates the reciprocal agreement system for authorizing interstate wine shipments directly to consumers in this state and replaces it with a new permit system available for both interstate and intrastate wine.

2. Eliminates the authority of wineries, manufacturers, and rectifiers to sell wine at wholesale to retailers and eliminates the authority of rectifiers to sell liquor, other than wine, directly to retailers. The act eliminates the authority of a person holding an out-of-state shipper's permit to ship liquor to any person in Wisconsin other than a wholesaler or, under certain circumstances, to a manufacturer, rectifier, or winery.

3. Allows the formation of up to six small winery cooperative wholesalers between October 1, 2008, and December 31, 2008. A cooperative wholesaler that obtains a wholesaler's permit from DOR may distribute to retailers and other wholesalers wine produced by members of the cooperative wholesaler.

4. Clarifies that a winery may produce fortified wine without holding a rectifier's permit and clarifies that wine may not contain more than 21 percent of alcohol by volume.

5. Generally requires face-to-face retail sales at retail licensed premises.

6. Authorizes certain wine collector sales without a license or permit.

**Act 164** (AB-246) expands the definition of "official identification card," for purposes related to alcohol beverages, to include certain military identification cards and valid U.S. passports.

**Act 192** (SB-429) allows any village in Ozaukee County meeting certain criteria to issue one "Class B" retail liquor license over the village's quota under preexisting law.

**Act 216** (SB-545) allows a charitable organization without an alcohol beverages license or permit to sell at auction sealed containers of wine, beer, or liquor to raise money for the organization.

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## Buildings and Safety

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**Act 11** (SB-7) changes terminology in the laws governing mobile homes, manufactured homes, and the mobile and manufactured housing industry, including standardizing the use of the terms "mobile home" and "manufactured home." The act clarifies the applicability of certain vehicle regulations to recreational vehicles and increases from two to three the minimum number of mobile or manufactured homes needed to qualify as a manufactured and mobile home community, which is subject to municipal regulation.

**Act 14** (AB-227) requires an applicant for a building permit to complete at least 12 hours of continuing education every two years instead of six hours annually, as under former law.

**Act 20** (SB-40) requires the Department of Commerce (Commerce) to award grants for construction career academies that provide high school pupils with training in construction-related careers.

**Act 63** (SB-167) changes the standards for electrical wiring, and for inspection of electrical wiring, and the regulation of electricians. The act:

1. Expands the scope of state and local standards for wiring and regulation of electrical inspections to include all buildings.

2. Requires, with certain exceptions, that any person doing electrical work be licensed.

3. Prohibits municipalities and counties from licensing electrical contractors and electricians.

4. Expands the scope of state and local regulation of electrical inspections to include all buildings versus just public buildings and places of employment, as under former law.

**Act 67** (SB-381) prohibits Commerce from requiring the superinsulating of one-family and two-family dwellings and manufactured buildings that use electricity for space heating.

**Act 75** (SB-436) requires a local fire department to file a report with the U.S. Fire Administration for each fire involving a building within its jurisdiction.

**Act 144** (SB-316) deletes a reference in the statutes to the Residential Facilities Council. The council no longer exists.

**Act 147** (SB-330) makes consistent the use of the term "private sewerage system" in the statutes administered by Commerce.

**Act 148** (SB-344) requires that Commerce base its regulation of the installation of fire detection, prevention, and suppression devices in certain buildings upon the International Code Council, Inc., building code.

**Act 149** (SB-345) eliminates Commerce's authority to grant variances to administrative requirements to install automatic fire sprinklers in certain buildings.

**Act 173** (AB-864) prohibits Commerce from requiring the installation or maintenance of an automatic fire suppression system or an exhaust hood in a mobile kitchen if the mobile kitchen meets certain requirements.

**Act 182** (SB-128) eliminates the prohibition against the construction of heated exterior sidewalks, ramps, stairs, and stoops.

**Act 197** (AB-532) generally prohibits a county employee with duties related to the regulation of private sewage systems from selling, installing, or maintaining those systems in that county or an adjacent county.

**Act 203** (SB-273) requires that liquefied petroleum gas retailers be licensed by Commerce and maintain proof of their ability to pay for damages associated with release of the gas. The act also requires the statewide diggers hotline system to notify callers that the system does not cover propane lines and other pipes, wires, or lines that do not cross public rights-of-way.

**Act 205** (SB-289) requires functional carbon monoxide detectors in specific places in certain residential buildings, such as apartment buildings and hotels.

**Act 208** (SB-28) provides an exemption from testing and approval requirements for load-bearing dimensional lumber, if the lumber is for use in an owner-occupied residential dwelling that meets the requirements of the applicable dwelling code and is milled by a person who has completed a lumber, grading training program. See also *Education — Higher Education*.

**Act 225** (AB-717) requires all cigarettes to be manufactured so that they extinguish when they are left burning without being smoked and requires cigarette manufacturers to mark packaging to show that the cigarettes meet the requirement.

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## Business and Consumer Law

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**Act 15** (SB-133) prohibits advertising or conducting a live musical performance using a false or deceptive connection between the performing group and a group that released a commercial recording. Generally, an advertisement or performance does not violate the prohibition if the performing group includes a member of the group that released the recording, if the performing group is the owner of a registered service mark for the group, or if the performance is identified as a tribute.

**Act 20** (SB-40) authorizes the Department of Commerce (Commerce) to award a grant or loan for certain renewable energy projects.

**Act 42** (AB-207) prohibits persons from providing video programming service, including cable television service, without a video service franchise granted by DFI, except that the act does not apply to video programming provided via satellite, broadcast television, wireless telecommunications, or Internet access. The act requires persons granted video service franchises to do all of the following: 1) pay annual revenue-based fees to the municipalities in which they provide service; 2) provide capacity on their systems for public, educational, and governmental (PEG) channels; and 3) until 2011, provide municipalities with monetary support for PEG channels that is comparable to the support the municipalities received under prior law. The act also: 1) allows municipalities, subject to PSC review, to impose reasonable regulations and fees on the use of public rights-of-way by holders of video service franchises; 2) makes cable television subscriber rights and privacy requirements under prior law applicable to holders of video service franchises and to satellite television companies; 3) allows a municipality to enforce certain customer service standards under federal law against holders of video service franchises, but only if the municipality has no competitive market for video program-

ming; and 4) requires holders of video service franchises that are large telecommunications companies to satisfy certain requirements for expanding their systems to provide access to their service.

**Act 48** (AB-239) provides that agreements to operate or share automated teller machines (ATMs) may not prohibit ATM owners or operators from imposing fees for transactions that use foreign accounts if the fees are not otherwise prohibited under federal or state law.

**Act 64** (SB-473) requires a scrap metal dealer purchasing nonferrous scrap metal to record and make available to law enforcement agencies information identifying the seller and the items sold. Before purchasing certain proprietary articles, a scrap metal dealer must establish the seller's ownership of the proprietary article. See also *Courts and Civil Actions*.

**Act 76** (AB-502) prohibits the furnishing of a trigger lead to a nonaffiliated third party for use in any consumer solicitation, unless the trigger lead is a prescreened consumer report under the federal Fair Credit Reporting Act. A "trigger lead" is information that identifies a consumer who has applied for credit, that is furnished by a consumer reporting agency or personal financial data provider to a nonaffiliated third party without the consumer's authorization, and that meets certain other criteria. If a trigger lead is a prescreened consumer report, the third party may not use the trigger lead to solicit consumers by using certain types of unfair or deceptive practices.

**Act 125** (AB-741) directs the Legislative Audit Bureau to audit the economic development programs administered by Commerce, the UW System, DATCP, DNR, WHEDA, the Department of Tourism, the Technical College System, and DOT by July 1, 2012, and makes the following changes:

1. Eliminates a number of unfunded, inactive, or duplicative economic development programs administered by Commerce, DATCP, or WHEDA.
2. Consolidates several minority business grant and loan programs administered by Commerce.
3. Consolidates several gaming economic development grant and loan programs administered by Commerce.
4. Requires Commerce and other state entities to annually prepare comprehensive reports assessing economic development programs.
5. Requires various state entities that administer economic development programs to establish goals and policies to improve the transparency and accountability of the economic development programs.

**Act 133** (SB-391) authorizes a limited liability company to revoke a voluntary dissolution by filing specified documents with DFI.

**Act 176** (SB-69) generally prohibits a tax preparer from disclosing information obtained in the course of preparing a client's income tax return unless the client gives written consent.

**Act 191** (AB-301) shortens the period for which a pawnbroker or secondhand dealer must hold an item purchased or received, if the pawnbroker or secondhand dealer is required to submit to law enforcement in an electronic format a report concerning the item purchased or received.

**Act 226** (March 2008 Special Session AB-1) authorizes the addition of certain cell phone numbers to the "Do Not Call" directory maintained by DATCP.

#### MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Senate Bill 480* would have consolidated five economic development zone programs which provide tax benefits to persons that conduct eligible activities within designated areas. Under the bill, a person would have been able to obtain tax credits for conducting eligible activities anywhere in the state, and would have been able to obtain additional tax benefits for conducting eligible activities that are within an "economically distressed area" or that benefited members of a "targeted group."

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## Children

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**Act 20** (SB-40) makes the following changes to the laws relating to children:

1. Creates the Department of Children and Families (DCF) on July 1, 2008; transfers from DHFS to DCF the duty to provide or oversee county provision of various services to assist children and families, including services for children in need of protection or services and their families, adoption services, licensing of facilities that provide care for children, background investigations of caregivers of children, and child abuse and neglect investigations; and transfers from DWD to DCF administration of Wisconsin Works (W-2), including the child care subsidy program, child support enforcement and paternity establishment, and programs related to temporary assistance for needy families (TANF).

2. Requires a juvenile court, when ordering a child to be placed outside the home under the supervision of

a county or DHFS (DCF effective on July 1, 2008), and requires a circuit court, when transferring to a county or DHFS legal custody of a child found to be in need of protection or services in a divorce proceeding or other action affecting the family, to order the child into the placement and care of the county or DHFS and to assign the county or DHFS primary responsibility for providing services to the child. The act also requires a circuit court to include in an order transferring legal custody of a child certain findings, including a finding that continued placement of the child in the home would be contrary to the welfare of the child. In addition, the act requires a circuit court to refer to the juvenile court intake worker a child transferred to the county or DHFS to determine whether a petition alleging the child to be in need of protection or services should be filed with the juvenile court.

3. Requires a background investigation of a proposed foster or adoptive parent to include a fingerprint-based check of the national crime information databases and, if the proposed foster or adoptive parent or an adult resident of the person's home has resided in another state in the last five years, a check of the child abuse or neglect registry of that state. The act requires a background investigation of a proposed adoptive parent regardless of whether adoption assistance payments will be made after the adoption is finalized.

4. Increases by 5 percent the monthly age-related basic maintenance rates paid to foster parents beginning on January 1, 2008, and by an additional 5 percent beginning on January 1, 2009.

5. Increases funding to counties to purchase or provide delinquency-related services (youth aids) and directs DOC to allocate that increased funding based on each county's proportion of statewide juvenile correctional placement.

6. Expands the list of entities permitted to provide the preadoptive training required of first-time adoptive parents to include a technical college or UW institution or college campus.

7. Permits DHFS (DCF effective on July 1, 2008) to expend certain Indian gaming receipts for unexpected or unusually high-cost out-of-home care placements of Indian children ordered by tribal courts.

**Act 77** (AB-361) gives juvenile courts jurisdiction over a child in need of protection or services whose guardian is unable or needs assistance to care for the child but is unwilling or unable to sign the petition requesting that jurisdiction.

**Act 104** (SB-142) requires day care center, group home, and shelter care facility staff who provide care for children to be proficient in the use of an automated external defibrillator, requires residential care centers for chil-

dren and youth to have in each building that houses residents at least one staff member who has that proficiency, and requires shelter care facilities to have on the premises a staff member or other person who has that proficiency. See also *Occupational Regulation*.

**Act 186** (SB-464) permits DHFS (DCF effective on July 1, 2008), a county, or a child welfare agency to place a child for adoption in the home of the child's proposed adoptive parents before termination of parental rights if certain conditions are met, requires the proposed adoptive parents of a child who is placed for adoption by a child welfare agency to pay for their preadoptive training, and expands the applicability of the Interstate Compact on the Placement of Children by exempting the sending of a child into a receiving state by a relative or guardian only if the right of the relative or guardian to plan for the child has been established by law.

**Act 199** (SB-496) makes the following changes relating to deadlines and informal dispositions under the Children's Code and the Juvenile Justice Code:

1. Provides that if the juvenile court or a party fails to act within a period specified in those codes, the juvenile court may take certain action, such as granting a continuance or releasing the child from custody, and that if a party does not object to a delay or continuance in a juvenile court proceeding, the party waives any challenge to the juvenile court's competency to act during the delay or continuance. Under prior law, if an action did not take place within a required period, the juvenile court was required to dismiss the proceeding.

2. Extends the period within which an intake worker must act after receiving information that a child should be referred to the juvenile court (referral information) and, if the referral information is a child abuse or neglect report, makes that period concurrent with the period within which the agency investigating the report must determine whether abuse or neglect has occurred.

3. Permits an informal disposition for a child under 12 years of age to be entered into by the child's parent, guardian, or legal custodian without the consent of the child; eliminates the right of a child under 12 years of age to object to the extension, or to request termination, of an informal disposition; and extends the period within which the district attorney or corporation counsel must file a petition or close the case following cancellation of an informal disposition.

#### MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Assembly Bill 746* and *Senate Bill 401* would have raised from 17 to 18 the age at which an adult criminal court, rather than the juvenile court, has jurisdiction over a person who violates a criminal law.

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## Constitutional Amendments

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**Enrolled Joint Resolution 26** (*Senate Joint Resolution 5*), approved by the 2007 legislature on second consideration, prohibits the governor, in exercising his or her partial veto authority, from creating a new sentence by combining parts of two or more sentences of an enrolled bill. The electors ratified this amendment on April 1, 2008.

#### MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Assembly Joint Resolution 17* would have required a photographic identification issued by this state or the federal government in order for a person to vote, or register to vote, at the polls on election day. Passed in the assembly but not in the senate on second consideration.

*Assembly Joint Resolution 39* would have allowed the governing body of a city, village, town, county, or school district to set different property tax levy rates in parts of school districts added by consolidations and boundary changes. Passed in the assembly but not in the senate on first consideration.

*Assembly Joint Resolution 106* would have established the right of the people to contract privately for health care services and would have prohibited mandatory participation in a state-sponsored health care system or plan. Passed in the assembly but not in the senate on first consideration.

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## Correctional System

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**Act 20** (SB-40) makes the following changes relating to the correctional system:

1. Requires DOC to assist an individual being released from prison in obtaining a state identification card if the individual does not have an operator's license or a state identification card.

2. Expands the type of sex offenders required to be tracked using a global positioning system tracking device to include persons on lifetime supervision, persons about whom a special bulletin notification has been issued, and sex offenders whose results of a risk assessment test administered by DOC indicate that tracking is appropriate.

3. Extends, from 48 hours to 78 hours, the time for DHFS to file a petition to revoke a person's conditional release into the community because the person violated a condition of his or her release.

4. Allows a person who is incompetent to stand trial to receive treatment at a mental health institution, a jail, or a locked unit of a corrections or mental health facility.

5. Allows DOC and DHFS to provide substance abuse treatment programs to inmates who are eligible to earn early release to parole or to extended supervision.

**Act 178** (AB-216) allows a county, with the approval of the chief judge of the county, to determine the rate at which a person who is on probation, imprisoned in a county jail or Huber facility, or performing court-ordered community service may earn good time credit for his or her community service.

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## Courts and Civil Actions

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**Act 20** (SB-40) makes the following changes relating to courts and civil actions:

1. Requires the circuit court to provide an interpreter for a party or witness in all actions if the person has limited English proficiency, regardless of his or her indigency.

2. Creates an additional circuit court branch in Kenosha County, effective August 2009, and in Juneau County, effective August 2008.

3. Requires the State Public Defender (SPD) to appoint counsel for adults who are the subject of proceedings for involuntary civil commitment, involuntary administration of psychotropic medication, or protective placement, regardless of whether the adult is indigent. An adult who is represented by the SPD in such a proceeding must reimburse the SPD for the costs of representation if the person is able to do so.

4. Creates the Judicial Council as an independent agency and authorizes the council to hire a staff attorney.

**Act 28** (AB-393) creates an additional circuit court branch in Barron, Chippewa, Dodge, and St. Croix counties effective August 2008; in Green County effective August 2009; and in Monroe County effective August 2010.

**Act 53** (SB-264) provides that there is no evidentiary privilege for information contained in a report of child

abuse or neglect that certain professionals must submit to county social services agencies.

**Act 64** (SB-473) allows a scrap metal dealer who incurs damages caused by theft to bring a civil action to recover actual damages, punitive damages, costs, disbursements, and attorney fees. See also *Business and Consumer Law*.

**Act 110** (AB-468) prohibits a notary public who is not an attorney from using in advertisements certain Spanish terms that can be interpreted to mean that the notary is an attorney unless the notary also includes in English a statement that he or she is not licensed to practice law; from stating or implying that he or she is an attorney; or from accepting compensation for representing a person at a judicial or administrative proceeding or for obtaining relief from any act of a public employee.

**Act 124** (SB-124) makes effective upon issuance a child abuse injunction, an individual-at-risk injunction, or a harassment injunction if the subject of the injunction was served with the petition and notice of time for the injunctive hearing. Under prior law, the injunctions took effect upon service.

**Act 156** (AB-615) changes the agent for acceptance of service of process from the secretary of state to DFI for a tobacco manufacturer whose products are sold in this state, who is not a participant in the 1998 comprehensive tobacco settlement agreement, and who has not appointed an agent in this state.

**Act 157** (AB-617) defines "fiscal year" as the period beginning on July 1 and ending on June 30 for the abandoned property reporting requirement law.

**Act 179** (AB-248) allows part-time court commissioners to conduct preliminary examinations and arraignments and, with the consent of all parties, accept guilty pleas.

### MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Senate Bill 343* would have allowed creators of video programs, such as the Big Ten Network and the NFL Network, to seek arbitration regarding their attempts to broadcast their programs on certain cable and satellite television systems.

*Assembly Bill 418* would have restricted access to the Consolidated Court Automation Programs (CCAP), the circuit court online database of civil and criminal cases, to judges and court officials, law enforcement personnel, attorneys, accredited journalists, persons who regularly review court documents as one of their job duties, and persons who have submitted a written application for access to the clerk of courts or district attorney and have shown a reasonable purpose for accessing CCAP.

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## Crime and Criminal Procedure

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**Act 20** (SB-40) makes the following changes relating to crime and criminal procedure:

1. Changes from part-time to full-time the district attorney positions in Trempeleau and Vernon counties and provides funding for additional assistant district attorneys in Rock, Polk, St. Croix, Kenosha, and Chippewa counties.

2. Authorizes DOJ to reimburse health care providers who conduct health examinations to gather evidence regarding an alleged sex offense either if the person examined does not authorize payment from another source, such as insurance, or if an authorized payment does not cover the entire cost and the person does not cooperate with law enforcement.

3. Awards a grant to the county with the highest crime rate to assess criminal offenders in order to gather information for sentencing.

4. Awards a grant to a first class city to employ additional uniformed law enforcement officers.

**Act 27** (AB-198) extends certain law enforcement powers to conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission and authorizes these wardens to aid a law enforcement officer or to make an arrest for a violation of state law under certain circumstances.

**Act 80** (SB-103) eliminates the requirement that a person register as a sex offender if he or she committed the offense of child enticement with the intent to cause bodily or mental harm to the child or with the intent to give or sell a controlled substance to a child. The act also eliminates the mandatory minimum term of confinement in prison for first-degree sexual assault of a child if the offender was under 18 at the time of the assault.

**Act 84** (SB-244) prohibits a prosecutor or another government attorney from deciding whether to commence, dismiss, or amend a prosecution or a forfeiture action based upon a monetary contribution to any agency or organization and prohibits judges from ordering a defendant to make a contribution to a crime prevention organization.

**Act 116** (SB-292) creates specific felonies of human trafficking and trafficking of a child. A business entity that engages in or benefits from trafficking may be dissolved or have its authorization to conduct business revoked.

**Act 118** (AB-8) prohibits taking, exhibiting, or sending a depiction of a person in a locker room who is nude or partially nude without that person's consent. The act requires all owners or operators of a locker room to adopt a written locker room policy that meets requirements specified in the act.

**Act 127** (SB-260) makes it a felony to intentionally impede the normal breathing or blood circulation of another person by applying pressure on the person's throat or neck or by blocking the person's nose or mouth.

**Act 128** (SB-498) adds on-duty county corrections personnel to the persons authorized to possess an electric weapon.

**Act 181** (AB-597) makes it a felony to interfere with a signal transmitted by a global positioning system tracking device.

**Act 193** (AB-525) increases the penalty for the battery of an employee of a county, city, village, or town who is conducting a building inspection.

**Act 198** (AB-677) broadens the prohibition against looking into another person's home without that person's consent for the purpose of sexual gratification by prohibiting entering a common area of an apartment or condominium to look into a person's home without that person's consent for the purpose of sexual gratification.

### MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Assembly Bill 695* and *Senate Bill 537* would have modified the John Doe statute, which permits a person to file a complaint with a judge if the person believes a crime may have been committed and requires a judge who receives such a complaint to commence a proceeding to determine if a crime has been committed. *Assembly Bill 695* would have prohibited a John Doe complaint if the victim of the alleged crime was in custody, if the alleged crime occurred on property of DOC, DHFS, or a county jail, or if the crime was alleged to have been committed by certain DOC, DHFS, or law enforcement employees. Under *Senate Bill 537*, a judge who received a John Doe complaint but determined that a hearing was not necessary could have disregarded the complaint.

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## Domestic Relations

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**Act 20** (SB-40) makes the following changes relating to domestic relations:

1. Increases, from \$35 to \$65, the fee that a person who is required to pay child support or maintenance must pay to DWD annually for the receipt and disbursement of the child support or maintenance.

2. Requires a person who receives child support to pay a fee of \$25 to DWD annually.

3. Requires DWD to pay the state registrar any fee for omitting, changing, or inserting a father's name on a birth certificate that a clerk of circuit court or county child support agency is unable to collect, and prohibits DWD from seeking reimbursement from the county or child support agency.

4. Authorizes DWD to enforce another state's lien for a child support obligation by levying against an account held by the child support obligor at a financial institution in this state. Formerly, DWD could levy against an account to enforce a lien only in favor of this state relating to a child support obligation.

**Act 81** (AB-39) requires the clerk of circuit court to provide DWD and any county child support agency access to pending paternity proceeding records.

**Act 187** (AB-685) requires a party seeking sole or joint legal custody or periods of physical placement in an action affecting the family in which legal custody or physical placement is contested to file a parenting plan with the court only if the court waives the requirement for the parties to attend mediation or if the parties attend mediation but do not reach an agreement on legal custody or physical placement. Under former law, a parenting plan had to be filed before any pretrial conference in every case in which legal custody or physical placement was contested. Under the act, the clerk of circuit court must provide to a person who files a petition in an action affecting the family that shows that the parties have a minor child either a copy of the statute regarding parenting plans and the information a plan must contain or a standard parenting plan form if one is used in the county. The act also requires a mediator to review with the parties at the first mediation session the nonfinancial provisions required in a parenting plan.

**Act 214** (AB-709) requires every marriage license applicant to present to the county clerk a certified copy of his or her birth certificate. Under former law, the requirement applied only to applicants under 30 years of age.

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## Education

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### HIGHER EDUCATION

**Act 20** (SB-40) makes the following changes to the laws governing higher education:

1. Creates the Wisconsin Covenant Scholars Program to award grants, beginning in the 2011-12 academic year, to resident students who are enrolled as undergraduates in institutions of higher education in this state. The act also creates the Office of the Wisconsin Covenant Scholars Program in DOA and requires DOA to coordinate the postsecondary promotional activities of the Higher Educational Aids Board (HEAB), DPI, the UW System, the Technical College System (TCS), and other organizations and to contract with the Wisconsin Covenant Foundation, Inc., to promote attendance at non-profit postsecondary institutions.

2. Requires HEAB to reimburse the Board of Regents of the UW System and each TCS district board for all tuition and fees remitted for a veteran or for a spouse, surviving spouse, or child of a veteran.

3. Requires that the amount owed by either state under the Minnesota-Wisconsin Tuition Reciprocity Agreement reflect differentials in usage by residents of either state of the public institutions of higher education of the other state and differentials in the resident tuition charged at comparable public institutions of higher education in the two states. Prior law required the amount to reflect only the educational costs incurred by the two states.

4. Eliminates the requirement that the children of certain veterans be enrolled as full-time students to receive academic and segregated fee remissions at the UW System or tuition and fee remissions at a technical college.

5. Provides that an unremarried surviving spouse of an eligible veteran who had a child with the veteran may receive academic and segregated fee remissions at the UW System or tuition remission at a technical college until ten years after the surviving spouse's youngest child reaches age 18 or during the first ten years after the veteran died, whichever is later.

6. Creates the following information technology (IT) requirements for the UW System: a) requires the submission of annual IT strategic plans and quarterly reports on open-ended IT contracts to the Board of Regents; b) requires the Board of Regents to adopt written policies for certain IT projects and to establish requirements for certain high-risk IT projects and commercially

available IT products; c) imposes contract requirements for certain high-risk or high-cost IT projects; and d) requires the Board of Regents to report to the Joint Committee on Information Policy and Technology regarding certain high-risk or high-cost IT projects and allows that committee to review such projects.

7. Requires the Board of Regents to make available information regarding segregated fees on the Internet Web site of each institution or campus of the UW System and that a student's bills for tuition or academic fees separately list tuition, academic fees, and segregated fees.

8. Allocates \$2,500,000 in fiscal year 2008-09 to the Board of Regents to support lung cancer research at the UW Paul P. Carbone Comprehensive Cancer Center, but only if the board receives \$2,500,000 in private gifts and grants for such research in that fiscal year.

9. Requires the Board of Regents to allocate \$200,000 in fiscal year 2008-09 to establish a school of public health at UW-Milwaukee, but only if the board approves such a school.

10. Requires the Board of Regents to award grants through UW-Extension to operators of Discovery Farms for research and outreach activities under the Wisconsin Agricultural Stewardship Initiative.

11. Requires the Board of Regents to allocate \$400,000 in each fiscal year for the Department of Family Medicine and Practice in the School of Medicine and Public Health to support the Wisconsin Academy for Rural Medicine, the Academy for Center-city Medical Education, and the Wisconsin Scholars Academy programs, but only if the board receives \$400,000 in private gifts and grants in the fiscal year to support such programs.

12. Authorizes the TCS Board to award grants to fund skills training or other education related to the needs of business.

13. Awards a grant to North Central Technical College to implement a dairy science associate degree program.

**Act 68** (SB-509) requires that a driver education course approved by the TCS Board instruct students how to pass stopped emergency vehicles, tow trucks, and highway machinery equipment.

**Act 109** (AB-646) makes certain changes to the UW Hospitals and Clinics Authority (UWHCA), including increasing the number of members of the board of directors who are appointed by the governor from three to six, increasing the length of such members' terms from three to five years, and creating requirements for and eliminating limits on bonds issued and certain indebtedness incurred by the UWHCA. The act makes simi-

lar changes to the membership of the UW Hospitals and Clinics Board, which provides nonprofessional services performed at the UWHCA.

**Act 208** (SB-28) requires the Board of Regents of the UW System, in cooperation with DNR, to establish certification requirements for persons who complete a lumber grading training program. See also *Buildings and Safety*.

## PRIMARY AND SECONDARY EDUCATION

**Act 20** (SB-40) makes the following changes to the laws governing primary and secondary education:

1. Increases the declining enrollment adjustment under school district revenue limits from 75 percent to 100 percent.

2. Provides for a school district's initial revenue limit to be set in certain circumstances equal to its prior school year base revenue.

3. Increases the low-revenue ceiling under school district revenue limits to \$8,700 in the 2007-08 school year and to \$9,000 in each school year thereafter.

4. Provides supplemental special education aid to school districts that meet certain criteria.

5. Awards grants to Milwaukee Public Schools to improve pupil academic achievement.

6. Increases the annual reimbursement rate for the costs of transporting pupils over 12 miles to and from school.

7. Reimburses school districts for 75 percent of the cost of transporting pupils over ice.

8. Requires that if school library aid is used to purchase computers and software, the items must be housed in the library.

9. Provides categorical aid to school districts with an enrollment of less than 725, with a population density of less than 10 pupils per square mile, and in which at least 20 percent of the pupils qualify for free or reduced-price lunch under the federal School Lunch Program.

10. Increases the school breakfast reimbursement rate from 10 cents to 15 cents per meal.

11. Awards grants to school districts to implement four-year-old kindergarten programs.

12. Awards grants to school districts to employ additional school nurses or contract for additional nursing services.

13. Awards grants to school districts for school district consolidation studies.

14. Allows nonprofit organizations to receive grants to provide advanced curriculum and assessments for gifted and talented pupils.

15. Awards grants to school districts to develop innovative instructional programs in science, technology, engineering, and mathematics; to support pupils who are typically underrepresented in these areas; and to increase pupil academic achievement in these areas.

16. Expands the national teacher certification program by awarding grants to teachers receiving master educator licenses and to those receiving certification from the National Board for Professional Teaching Standards, and increases the amount of a grant if the teacher is employed in a school in which at least 60 percent of the pupils are eligible for a free or reduced-priced lunch under the federal School Lunch Program.

17. Permits DOA to make payments from federal telecommunications access funds to telecommunications providers that provide telecommunications access to schools and public libraries.

**Act 34** (SB-214) requires a public library to disclose to a law enforcement officer, at the officer's request, all library records pertinent to the alleged criminal conduct being investigated by the officer that were produced by a surveillance device under the library's control.

**Act 40** (SB-249) provides that a school district may use federal, state, local, or private funds to pay the costs of advanced placement examinations taken by pupils enrolled in the school district who are eligible for a free or reduced-price lunch under the federal School Lunch Program.

**Act 61** (SB-1) authorizes the board of a public library to transfer charitable gifts to a charitable organization that provides financial or material support to the library.

**Act 68** (SB-509) requires that a driver education course approved by DPI instruct students how to pass stopped emergency vehicles, tow trucks, and highway machinery equipment.

**Act 70** (AB-625) authorizes a school board to construct or acquire a renewable resource facility, and to use the energy generated by the facility for school district facilities or to sell the energy at wholesale.

**Act 220** (SB-493) requires each school board and each private school annually to inform its professional staff of the resources available regarding suicide prevention.

**Act 221** (AB-906) directs DPI, for the purpose of calculating special education aid to school districts, to establish the percentage of salaries of social workers, school nurses, school psychologists, and school counselors that is eligible for reimbursement based upon the average percentage of work time that each category of personnel spends providing services to children with disabilities.

**Act 222** (SB-396) authorizes school districts to establish virtual charter schools, in which all or a portion of the instruction is provided via the Internet and the teachers and pupils are geographically remote from each other, and to accept pupils for attendance at virtual charter schools through the Open Enrollment Program. The act limits to 5,250 the total enrollment of all virtual charter schools beginning in the 2009–10 school year. The act requires instructional staff of virtual charter schools to hold teacher licenses issued by DPI and directs the Legislative Audit Bureau to conduct a financial and performance evaluation audit of virtual charter schools.

**Act 226** (March 2008 Special Session AB-1) requires any school district that offers a four-year-old kindergarten program to make the program available to all eligible pupils. The act permits a school district that offered a four-year-old kindergarten program in the 2007–08 school year, but did not comply with this requirement, to phase in the implementation of the program by the beginning of the 2013–14 school year. The act also permits these school districts to include four-year-old kindergarten pupils in the definition of "membership" for revenue limit and general school aid purposes.

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## Elections

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**Act 52** (AB-295) makes voter registration numbers publicly accessible.

**Act 56** (AB-82) permits the electors of a town sanitary district to recall elective town sanitary district commissioners.

**Act 83** (AB-152) permits a majority of the members of the governing body of a village to provide for the nomination of candidates for a specific election to be accomplished at the spring primary whenever at least three candidates file valid nomination papers for a village office.

**Act 132** (AB-875) directs the Government Accountability Board to accept certification of a major party's candidates for the offices of president and vice president in 2008 up to three days later than the previous statutory deadline for making this certification.

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## Employment

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**Act 7** (AB-123) permits volunteer fire fighters and emergency medical technicians to be paid semiannually or annually. Generally, employees must be paid no later than 31 days after the wages are earned. See also *Act 195*.

**Act 20** (SB-40) makes the following changes related to employment:

1. Provides that the employer-paid health insurance contributions for state employees, other than limited-term employees, begins on the first day of the third month after the employee begins state employment. Under prior law, the state paid this contribution beginning on the first day of the seventh month after the employee began state employment.

2. Requires DWD to implement and operate youth summer jobs programs in the city of Milwaukee and to award a grant to the Racine County Workforce Development Board for the development of a comprehensive community-wide workforce development plan.

**Act 59** (SB-431) increases the amount of wages per employee that is subject to the contributions (taxes) that most employers pay to finance the unemployment insurance (UI) system. The act also adjusts the contribution rates, as well as the solvency rates that employers pay to maintain the solvency of the UI system, significantly increasing the revenue for the system. The act increases UI benefit rates and increases requirements to begin receiving benefits.

**Act 78** (SB-341) and **Act 224** (AB-613) eliminate the cap on salaries paid to deputy district attorneys. Prior law limited the maximum salary of a deputy district attorney to the maximum salary payable to an assistant district attorney.

**Act 131** (AB-893) makes numerous changes to the administration of benefits for public employees under the WRS, including the following: permits DETF to pay interest on moneys paid in error; increases the number of default beneficiaries for WRS death benefits; changes eligibility requirements for group life insurance administered by DETF; provides that the number of guaranteed WRS death benefit payments may not exceed the life expectancy of the beneficiary; requires the Group Insurance Board to hear appeals of DETF determinations affecting group insurance plans; reduces from 40 to 30 years the amortization period for WRS unfunded liabilities; and clarifies that DOR may attach WRS benefit payments for delinquent taxes.

**Act 142** (SB-314) clarifies that state employees entitled to 184 hours of annual paid vacation may reserve up to 40 hours each year for termination or sabbatical leave.

**Act 146** (SB-318) corrects an obsolete reference to the duties of the former secretary of employment relations, a position eliminated in 2003.

**Act 159** (AB-32) prohibits employment discrimination based on military service. However, under the act, an employer may refuse to employ for a particular job an individual who has been less than honorably discharged if the circumstances of the discharge substantially relate to the duties of the particular job.

**Act 185** (SB-430) makes the following changes relating to worker's compensation:

1. Provides that an employee leasing company, which is a company that provides the nontemporary, ongoing employee workforce of a client under an employee leasing agreement, is liable for all worker's compensation payable to a leased employee and is required to obtain a separate worker's compensation insurance policy for each client of the employee leasing company (multiple coordinated policy) or, in certain circumstances, a master policy covering more than one client of the employee leasing company. See also *Act 189*.

2. Prohibits an employee of a temporary help agency, which is an employer whose primary business is placing its employees with another employer regardless of duration, or a leased employee of an employee leasing company who makes a claim for worker's compensation against the temporary help agency or employee leasing company from making a claim or bringing a tort action against any other temporary help agency or employee leasing company that places its employees with the other employer.

3. Creates a procedure for DWD to resolve a dispute between a pharmacist and an employer or insurer over the reasonableness of the amount charged for a prescription drug dispensed for outpatient use by an injured employee and permits DWD to determine the reasonableness of such an amount charged in an order resolving a disputed claim for worker's compensation.

4. Provides that an employer is not liable for the cost of a test for hearing loss, medical treatment for restoring or improving hearing, or a hearing aid unless worker's compensation for occupational deafness is payable. This provision applies beginning on April 1, 2008, for a case in which the injury occurred on or after that date and applies beginning on April 1, 2014, for a case in which the injury occurred before April 1, 2008.

5. Provides that an employer is liable for providing Christian Science treatment at the option of an injured employee and limits the amount of the liability to the usual and customary charge for that treatment.

6. Lowers from 7 percent to 5 percent the interest credit for a party that is discharged from or compelled to guarantee future worker's compensation payments or a death benefit or that is directed to make an advance payment of worker's compensation or a death benefit.

7. Eliminates a requirement that DWD reduce employer payments to the work injury supplemental benefit fund if the amount in the fund exceeds three times the amount of annual payments from the fund.

8. Provides that a lien for payments owed to the uninsured employers fund, previously effective for ten years, continues in effect until the amount owed is paid; extends the application of the procedures for collecting those payments to an officer, director, member, or manager of an uninsured employer who is personally liable for those payments; and eliminates a requirement that DWD consider incurred, but not reported, claims on the uninsured employers fund when determining whether the cash balance in the fund is likely to be inadequate to fund all claims against the fund.

9. Increases the amount of permanent partial disability benefits and certain supplemental benefits payable under the worker's compensation law.

**Act 189** (AB-760) requires a professional employer organization, which is a company that provides the nontemporary, ongoing workforce to a client, to register with DRL, to maintain working capital or a bond or other financial commitment of at least \$100,000, and, if the organization provides employee benefits, to insure fully payment of those benefits with an authorized insurer. See also *Act 185*.

**Act 195** (AB-531) permits part-time fire fighters and emergency medical technicians who are members of a local volunteer fire department or emergency medical services program or of a private, nonprofit volunteer fire company to be paid at regular intervals as long as they are paid at least annually. See also *Act 7*.

**Act 218** (AB-764) permits a long-term care district that joins the WRS before May 15, 2008, to become a participating employer in the WRS on July 1, 2008.

**Act 226** (March 2008 Special Session AB-1) permits annuitants in the WRS who are public safety officers to have health care and long-term care insurance premiums deducted from their retirement annuities or deferred compensation plan accounts and paid directly to the insurers.

**Act 228** (SB-574), **Act 229** (SB-575), **Act 230** (SB-576), **Act 231** (SB-577), **Act 232** (SB-578), **Act 233** (SB-579), **Act 234** (SB-580), **Act 235** (SB-581), **Act 236** (SB-582), **Act 237** (SB-583), **Act 238** (SB-584), **Act 239** (SB-585), **Act 240** (SB-586), **Act 241** (SB-587), and **Act 242** (SB-588) ratify the collective bargaining agreements for the 2007-

09 biennium covering state employees in the following collective bargaining units: administrative support; blue collar and nonbuilding trades; professional social services; security and public safety; technical; law enforcement; professional patient care; professional education; professional fiscal and staff services; professional science; program, project, and teaching assistants of UW-Milwaukee; professional patient treatment; public defenders; professional legal; and building trade crafts.

#### MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Assembly Bill 208* and *Senate Bill 80* would have required employers of traveling sales crews to register with DWD; imposed certain bonding, disclosure, safety, insurance, and other requirements on those employers; and prohibited certain employment practices by those employers.

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## Environment

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**Act 20** (SB-40) creates the Lower Fox River Remediation Authority to issue bonds to pay the costs of cleaning up environmental contamination caused by discharges of pollutants into the Fox River, from Lake Winnebago to Green Bay. The act provides reimbursement for a portion of the costs of out-of-state disposal of sediments contaminated with high levels of polychlorinated biphenyls (PCBs). Act 20 also raises fees, called tipping fees, imposed on the disposal of solid waste in landfills, increasing revenues for the recycling fund and the environmental fund.

**Act 145** (SB-317) eliminates the Petroleum Storage Environmental Cleanup Council, which was created to provide advice on implementing the Petroleum Storage Remedial Action Program (commonly known as PECFA).

**Act 227** (April 2008 Special Session SB-1) ratifies the Great Lakes-St. Lawrence River Basin Water Resources Compact (the compact). The compact will take effect if ratified by the eight Great Lakes states and approved by the U.S. Congress. The compact requires the states to enact laws relating to the withdrawal and use of surface water and groundwater from the Great Lakes basin (the basin) that are at least as restrictive as requirements in the compact.

The compact generally prohibits new and increased diversions of water out of the basin. There are exceptions for new and increased diversions to provide water to

the public in communities that are partly within the basin and partly outside of the basin (straddling communities), if certain requirements are satisfied, and for new or increased diversions to provide water to the public in communities that are entirely outside of the basin but within counties that are partly within the basin (communities within straddling counties), if more stringent requirements are satisfied. Among other things, the compact requires diverted water remaining after use (treated wastewater) to be returned to the basin. Under the compact, the governors of the Great Lakes states decide whether to approve a diversion to a community within a straddling county, based on whether the proposal meets the compact's requirements. The proposal is approved only if there are no disapproving votes.

The act generally prohibits new or increased diversions both before and after the compact takes effect. The act includes exceptions for diversions for straddling communities and communities within straddling counties, with somewhat less stringent requirements before the compact takes effect. After the compact takes effect, the requirements are generally the same as those in the compact. The requirement in the act for approval by the Great Lakes governors applies only after the compact takes effect.

The compact requires each state to regulate new and increased withdrawals of water from the basin by applying a decision-making standard, specified in the compact, to those withdrawals. Each state sets its own threshold for application of the standard.

After the compact takes effect, the act applies the compact decision-making standard to a new withdrawal in the basin, or an increase in an existing withdrawal, that equals at least 10,000,000 gallons per day for 30 consecutive days, unless at least 5,000,000 gallons per day would be returned to the basin. A different decision-making standard, called the state decision-making standard, applies to a new withdrawal or an increase in an existing withdrawal that equals at least 1,000,000 gallons per day for 30 consecutive days and that is not subject to the compact's decision-making standard.

Under the act, DNR administers the requirements that apply to diversions and to water withdrawals in the basin through a permitting program. The act also requires reporting of large water withdrawals throughout the state to DNR. The act requires DNR to administer a water supply planning program for water utilities throughout the state. Each water utility that serves at least 10,000 persons must be covered by a plan by 2025. Finally, the act requires DNR to promote water conservation statewide, but generally DNR may not impose water conservation requirements outside of the basin.

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## Financial Institutions

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**Act 112** (SB-378) prohibits banks from establishing or maintaining branches located within 1.5 miles of a bank affiliate engaged in activities in which a state bank or national bank, or a bank holding company or financial holding company, may not engage under federal or state law.

**Act 150** (SB-371) requires a franchisor attempting to sell a franchise to provide an offering circular to a prospective franchisee at least 14 calendar days before the prospective franchisee's execution of a binding agreement with, or payment to, the franchisor or its affiliate.

**Act 196** (SB-483) recreates the Wisconsin Uniform Securities Law to conform generally to the Uniform Securities Act of 2002. The act retains the general structure and substance of preexisting law with respect to securities registration and regulation of securities professionals and securities transactions, but makes numerous changes in definitions, requirements, enforcement, and administration related to the state's securities laws.

**Act 211** (SB-517) alters the scope of the state's mortgage banking law by changing the definition of "loan" for purposes related to the regulation of mortgage bankers, mortgage brokers, and loan originators. The act narrows the definition of "loan" to apply only to loans for personal, family, or household purposes and only if the real property securing the lender's interest is located in this state.

### MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Assembly Bill 218* would have adopted the Uniform Debt-Management Services Act, which was approved by the National Conference of Commissioners on Uniform State Laws in 2005.

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## Gambling

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**Act 206** (AB-798) allows an organization that holds a raffle license and has been in existence for at least five years to sell raffle tickets starting one year in advance of the raffle drawing.

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## Health and Social Services

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### HEALTH

**Act 20** (SB-40) makes the following changes to the health laws:

1. Requires DHFS to conduct a three-year pilot program for at least 100 individuals who are eligible for a disease aids program that reimburses individuals with a human immunodeficiency virus (HIV) infection for the cost of certain drugs for the treatment of HIV. Under the pilot program, DHFS would pay the individuals' premiums for coverage under the Health Insurance Risk-Sharing Plan and their copayments for the drugs for which they would be reimbursed under the disease aids program.

2. Expands the program under which third parties must provide DHFS with information to identify persons receiving state-provided health benefits who are eligible for health care insurance coverage. The act provides funding for providing the information, expands the types of third parties who must provide information, requires third parties to accept assignment to DHFS of the payment for an item or service that is paid under the Well-Woman Program, and authorizes DHFS to recover any third-party payment made for which assignment was not accepted. See also *Health and Social Services — Medical Assistance* and *Health and Social Services — Public Assistance*.

3. Increases certain vital records fees until July 1, 2010, and permits DHFS to seek approval from JCF to use the fee revenues for vital records automation.

4. Awards an annual grant to an organization to provide services to consumers and providers of supportive home care and personal care services.

**Act 88** (SB-324) eliminates grants to certain community health centers that are no longer in operation.

**Act 89** (SB-325) corrects a reference to the funding source for a program that reimburses low-income people for costs of certain drugs to treat HIV.

**Act 92** (SB-328) clarifies the means by which DHFS may serve notice of licensure violations on nursing homes, community-based residential facilities, residential care apartment complexes, and adult family homes.

**Act 102** (AB-377) requires a hospital that provides emergency services to an alleged victim of sexual assault to provide her with written and oral emergency contraception information and, if she is not pregnant and so requests, emergency contraception.

**Act 103** (AB-539) allows a 16-year-old to donate blood if his or her parent or guardian consents.

**Act 104** (SB-142) requires DHFS to approve individuals and entities to provide instruction in using an automated external defibrillator. The act also requires organizations that offer certification in cardiopulmonary resuscitation (CPR) to provide information regarding a method of a resuscitation that uses only chest compressions. See also *Children* and *Occupational Regulation*.

**Act 106** (SB-310) changes laws governing donation of organs and other body parts to conform to the Revised Uniform Anatomical Gift Act of 2006. The changes include:

1. Allowing a person who is 15 and one-half years old to make a donation that is effective upon death, subject to revocation of the donation by the donor's parent.

2. Allowing new methods for making a donation, including using an organ donor sticker without other documentation or submitting a request for inclusion on a donor registry.

3. Granting additional people the authority to make donations on behalf of another.

**Act 108** (SB-487) specifies circumstances under which an entity that has lawfully obtained a confidential patient health care record may disclose the record and under which a health care provider may, without a patient's informed consent, release a portion of the patient's health care record. See also *Health and Social Services — Mental Health, Developmental Disabilities, and Substance Abuse*.

**Act 153** (SB-548) applies the term "nurse aide" to certain persons who provide in-home or community care (caregivers), creates a classification of caregiver termed a "feeding assistant," and modifies programs that certify caregivers.

**Act 201** (SB-48) adds pharmacists and pharmacy technicians to the types of volunteer health care providers who have state agent status protection while providing free services to certain persons; this protection means they will be defended by the state in civil actions and provided state payment for certain adverse judgments.

### MEDICAL ASSISTANCE

**Act 20** (SB-40) required DHFS to request from the federal government the approval to implement a Medical Assistance (MA) program called BadgerCare Plus (BC+) that would provide health care benefits for eligible individuals. The request was granted, and BC+ began operating on February 1, 2008. BC+ replaces all of Badger Care and part of MA, so that certain persons eli-

gible for MA will receive their health care coverage under BC+ instead. Generally, all of the following are eligible for BC+: a pregnant woman whose family income does not exceed 300 percent of the federal poverty level; a child under one year of age whose mother had coverage under MA or BC+ when the child was born; a child, including an unborn child, whose family income does not exceed 300 percent of the poverty level; a parent or caretaker of a child whose family income does not exceed 200 percent of the poverty level; and an individual, regardless of family income, who is under 21 years of age and who was in foster care on his or her eighteenth birthday. Additionally, a child whose family income exceeds 300 percent of the poverty level may purchase coverage under BC+. Generally, the same benefits that are provided under MA are provided under BC+ to individuals with family incomes not exceeding 200 percent of the poverty level; the other BC+ recipients receive specified benefits under a benchmark plan. The act also requires DHFS to seek any necessary federal approvals to ensure that BC+ is qualified health insurance for purposes of a health care tax credit program and to include under BC+ those individuals who are eligible for that program. See also *Health and Social Services — Other Health and Social Services*.

Act 20 makes a number of other changes to the MA laws, including the following:

1. Requires DHFS to request from the federal government approval for a demonstration project that would provide health care coverage under MA to adults who are under age 65, who have family incomes not exceeding 200 percent of the poverty level, and who are not otherwise eligible for MA, Badger Care, or Medicare (low-income childless adults). See also *Health and Social Services — Other Health and Social Services*.

2. Makes a number of changes relating to asset transfer and divestment for MA eligibility for long-term care services, including changing the look-back date from three years to five years for transfers after February 8, 2006; changing the beginning date for the penalty period during which a person is not eligible for MA; and limiting home equity to \$750,000 as it relates to eligibility for MA for long-term care services.

3. Requires DHFS to implement a long-term care partnership program if the federal department of health and human services approves an amendment to the state MA plan. Under such a program, DHFS would, when determining eligibility for MA and the amount to recover from the estate of a person who received MA, exclude an amount equal to the benefits received by the person under a qualifying long-term care insurance policy. In addition, DHFS and the Office of the Commissioner of Insurance must approve a training program

for a person selling long-term care insurance. See also *Insurance*.

4. Specifies that, if a person is eligible for both MA and Medicare Part D, MA will not cover any prescription drug for that person if Medicare Part D covers the drug, regardless of whether the person is enrolled in Medicare Part D or whether his or her Part D plan covers the drug.

5. With certain exceptions, requires an applicant for MA, Badger Care, or Senior Care who declares himself or herself to be a U.S. citizen or national to provide evidence of that status.

6. Requires DHFS to request the federal government to permit DHFS to extend for up to 90 days a parent's eligibility for MA or Badger Care benefits if the parent's child dies while both the parent and child are covered under MA or Badger Care and the death of the child would otherwise result in the parent's ineligibility.

7. With respect to the Family Care Program, expands the areas in which DHFS may provide the family care benefit; establishes how to determine the amount that a county in which the benefit is provided must contribute; requires, generally, that a person be a recipient of MA to qualify for the family care benefit; and reassigns local planning responsibilities for long-term care.

8. Increases, from 185 percent to 200 percent of the poverty level, the family income eligibility level for participating in the MA family planning demonstration project.

9. Expands the program under which third parties must provide DHFS with information to identify persons receiving state-provided health benefits who are eligible for health care insurance coverage. The act provides funding for providing the information, expands the types of third parties who must provide information, requires third parties to accept assignment to DHFS of the payment for an item or service that is paid under MA or Family Care, and authorizes DHFS to recover any third-party payment made for which assignment was not accepted. See also *Health and Social Services — Health and Health and Social Services — Public Assistance*.

10. Requires a health care provider who receives MA payment for providing services to a person who is retroactively eligible for MA to reimburse the MA recipient for any payment the recipient made for the services.

**Act 90** (SB-326) eliminates a specific hourly reimbursement rate for respiratory care services provided to ventilator-dependent MA recipients.

**Act 91** (SB-327) replaces the term "lead inspection" with the broader term "lead investigation" for purposes of

an MA benefit for persons with lead poisoning or lead exposure. See also *Health and Social Services — Public Health*.

**Act 95** (SB-370) deposits all moneys, not just those in excess of \$13,800,000 as under former law, obtained from annual assessments on nursing homes and intermediate care facilities for the mentally retarded into the MA trust fund.

**Act 141** (AB-616) authorizes the Program for All-Inclusive Care for the Elderly, which is an MA managed care program.

## MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE

**Act 20** (SB-40) abolishes the Council on Developmental Disabilities and creates the Board for People with Developmental Disabilities, attached to DOA, with the duties of the former council.

**Act 45** (AB-279) reconciles conflicts among statutes that were affected by three separate acts from the 2005-06 legislative session and that relate to protective placements and protective services, guardianships and conservatorships, wards, and services for adults at risk and elder adults at risk. Among other provisions, the act clarifies formerly conflicting procedural requirements under which psychotropic medication may be voluntarily received by, or involuntarily administered to, wards.

**Act 108** (SB-487) expands the types of health care providers who may access limited information about mental illness, developmental disability, alcoholism, or drug dependence that is contained in the treatment records of persons to whom they provide care. See also *Health and Social Services — Health*.

**Act 113** (AB-173) increases membership of the Council on Mental Health, requires the membership to include representatives of certain groups, and limits the number of members who can be service providers and state employees.

**Act 139** (AB-611) allows the protective placement in a nursing facility of an individual with a developmental disability for no more than 30 days immediately after release from a hospital.

**Act 140** (AB-612) requires that a court-ordered transfer or placement of a minor into an inpatient facility treatment director, the appropriate county department, and, if the facility is a center for the developmentally disabled, DHFS.

**Act 152** (SB-377) renumbers appropriation accounts for the Board for People with Developmental Disabilities. See also *Act 20*.

## MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Assembly Bill 216* would have required DOJ, when conducting a background check on a prospective handgun purchaser, to check whether a court had determined that the person's mental health rendered him or her ineligible to possess a firearm under federal law.

## PUBLIC ASSISTANCE

**Act 20** (SB-40) makes the following changes in the laws relating to public assistance:

1. Transfers administration of the foodshare employment and training (FSET) program from DWD to DHFS, authorizes DHFS to contract with counties and tribal governing bodies or Wisconsin Works (W-2) agencies or other providers to administer the program, and authorizes counties and tribal governing bodies to subcontract with W-2 agencies or other providers to administer the program. Under FSET, able-bodied persons over 16 years of age and under 60 years of age who are receiving food stamps may be required to participate in job search and other programs to improve basic skills and employability.

2. Eliminates eligibility requirements under the food stamp program related to the paternity of a child and the payment of child support; requires DHFS to allow a prisoner to use the address of the correctional institution as his or her address on a food stamp application; and requires DHFS to allow an authorized employee of a correctional institution to receive and conduct telephone calls on behalf of a prisoner in matters related to the food stamp program.

3. Creates a two-year "real work, real pay" pilot project in W-2, under which DWD pays an employer a monthly wage subsidy for employing an individual who is eligible for a W-2 employment position. An employer must make a good faith effort to retain the employee as a permanent unsubsidized employee after the employee's participation in the pilot projects ends.

4. Expands the program under which third parties must provide DHFS with information to identify persons receiving state-provided health benefits who are eligible for health care insurance coverage. The act provides funding for providing the information, expands the types of third parties who must provide information, requires third parties to accept assignment to DHFS of the payment for an item or service that is paid under

Senior Care or the Chronic Disease Program, and authorizes DHFS to recover any third-party payment made for which assignment was not accepted. See also *Health and Social Services — Health and Health and Social Services — Medical Assistance*.

## PUBLIC HEALTH

**Act 20** (SB-40) establishes a program of grants to a local health department in Racine County to reduce fetal and infant mortality and morbidity in certain areas of the county.

**Act 91** (SB-327) replaces the term “lead inspection” with the broader term “lead investigation” for purposes of a statewide program to prevent and treat lead poisoning and exposure to lead of children under the age of six. See also *Health and Social Services — Medical Assistance*.

**Act 130** (AB-483) revises laws concerning the abatement and removal of human health hazards, which are substances, activities, or conditions that can cause illness, endanger life, spread disease, or otherwise affect public health. The act includes a local health officer in the definition of “peace officer” in municipal laws for the purpose of obtaining a warrant to inspect certain properties, and permits limited summary abatement or removal of human health hazards.

## OTHER HEALTH AND SOCIAL SERVICES

**Act 20** (SB-40) makes the following changes to the Health Insurance Risk-Sharing Plan (HIRSP), which generally provides health care coverage for persons who have been refused private health insurance coverage and persons who are covered under Medicare because they are disabled:

1. Provides that the HIRSP Authority is to be treated as a state agency for all purposes under the WRS, including providing health insurance coverage to its employees.

2. Requires the Investment Board, if requested by the HIRSP Authority, to invest funds of the HIRSP Authority in the state investment fund and permits the HIRSP Authority to participate in the local government pooled-investment fund.

3. Requires insurer assessments to be paid directly to the HIRSP Authority, rather than through the Office of the Commissioner of Insurance.

4. Eliminates a requirement that the HIRSP Authority design and administer a health care tax credit program. See also *Health and Social Services — Medical Assistance*.

5. Requires HIRSP to transfer premium subsidy amounts to DHFS on behalf of HIRSP enrollees who are receiving premium subsidies and who terminate HIRSP coverage to enroll in a DHFS-administered MA demonstration project providing health care coverage for low-income childless adults. See also *Act 39* and *Health and Social Services — Medical Assistance*.

**Act 39** (SB-226) makes the following changes to HIRSP:

1. Changes payments made under HIRSP to providers from the allowable charges for services and articles under the MA program to the customary payment rates, determined by the HIRSP Authority, adjusted to account for provider discounts.

2. Authorizes the HIRSP Authority to certify providers on a temporary basis to provide services and articles to HIRSP enrollees.

3. Expands eligibility for premium and deductible subsidies under HIRSP to all enrollees with incomes below a specified level, and changes premium subsidies to a specified percentage of the premium.

4. Authorizes HIRSP to specify types of insurance coverage that will not render an individual ineligible for HIRSP.

5. Eliminates a requirement that HIRSP transfer premium subsidy amounts to DHFS on behalf of HIRSP enrollees who are receiving premium subsidies and who terminate HIRSP coverage to enroll in a DHFS-administered MA demonstration project providing health care coverage for low-income childless adults. See also *Act 20*.

**Act 58** (AB-305) permits, with certain exceptions, an individual who is at least 18 and not adjudicated incompetent to authorize the disposition of his or her body after death. The act gives priority to those individuals who may control the disposition of a decedent’s remains and specifies a process and criteria to settle disagreements among persons who have the same level of priority.

**Act 172** (SB-393) requires an entity that places an individual in a client’s home to provide personal care services to conduct a background check on the individual and to disclose information obtained from the background check to the client.

## MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Senate Bill 40* would have devoted certain cigarette tax and tobacco products tax revenues, an increased annual assessment on hospital gross revenues, tobacco settlement moneys, and moneys transferred from the injured patients and families compensation fund. The fund

would have supported a board, an authority, and certain health care programs, including MA, that are currently funded from general purpose revenues.

*Senate Bill 490* would have increased the annual assessment on gross revenues of hospitals to support certain MA provider reimbursements and would have transferred moneys to the injured patients and families compensation fund.

*Senate Bill 562* would have created the Healthy Wisconsin health care plan, funded through assessments paid by employers and persons employed in this state, to provide to all residents of the state who are under 65 years of age and not eligible for MA or for federal health care coverage the health care benefits that are provided under the state's health care plan for state employees.

*Assembly Bill 749* and *Senate Bill 398* would have eliminated certain prohibitions on the performance of abortions.

*Assembly Bill 834* and *Senate Bill 150* would have banned smoking inside all restaurants, taverns, and almost all other places of employment.

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## Insurance

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**Act 20** (SB-40) makes the following changes in the laws relating to insurance:

1. Requires the Commissioner of Insurance (commissioner) to certify long-term care insurance policies that satisfy specified criteria under a long-term care partnership program and to cooperate with DHFS in approving a training program for intermediaries who sell long-term care insurance; prohibits any person from selling long-term care insurance unless the person is a licensed intermediary and in compliance with the training program; and requires insurers that offer long-term care insurance to obtain verification from intermediaries selling the insurance that they are in compliance with the training program and to maintain those verification records and make them available to the commissioner upon request. See also *Health and Social Services — Medical Assistance*.

2. Requires an insurer that changes a current procedural terminology code submitted by a health care provider on a health insurance claim form to include on the explanation of benefits form both the reason for and the source of the change.

3. Requires an insurer that restricts or terminates coverage for the treatment of a condition or complaint, causing the insured to be liable for payment for all of

the treatment, to provide an explanation for the restriction or termination of coverage.

4. Transfers \$200,000,000 over the 2007-09 biennium to the Medical Assistance trust fund from the injured patients and families compensation fund (fund); appropriates moneys to cover any claims, up to \$100,000,000, that the fund is unable to pay because of insufficient moneys; and requires the board of governors of the fund to take the appropriation into account when setting health care provider assessments to be paid into the fund.

**Act 36** (AB-280) requires health insurance policies and governmental self-insured health plans that cover a dependent because he or she is a full-time student to continue to cover the person if he or she ceases to be a full-time student due to a medically necessary leave of absence.

**Act 168** (SB-294) enacts the Interstate Insurance Product Regulation Compact and creates the Interstate Insurance Product Regulation Commission, which establishes uniform standards for policies, contracts, or other forms related to annuities, life insurance, disability income insurance, and long-term care insurance. Under former law, an insurance form, such as a policy form, could not be used unless it was first filed with and approved by the commissioner. The act provides that, with certain exceptions, a form may be used if the insurer files it with the commissioner 30 days before its use and certifies that it complies with the insurance statutes and rules. The act also extends to consumers of all ages certain protections in the sale or exchange of an annuity. Under former law, the protections applied only to consumers 65 years of age or older.

**Act 169** (AB-501) revokes, instead of suspending as under former law, the license of an insurance agent who fails to comply with continuing education requirements or to pay a fee when due; provides procedures for reinstating the license of an insurance agent whose license has been suspended or revoked; authorizes the commissioner to require an applicant for an insurance agent's license to provide fingerprints as a condition of granting the license; and eliminates fees for issuing a duplicate insurance agent's license and for preparing and furnishing an insurance agent's letter of certification.

**Act 170** (SB-386) makes a number of changes in the laws related to insurance, including:

1. Changes the way in which assessments are determined for the insurance security fund; changes the membership of the board of directors of the fund; and changes the responsibility of the fund for paying benefits under a life or disability insurance policy or annuity on the basis of the interest rate on which benefits are based.

2. Prohibits a lender with a security interest in real property from requiring the borrower to insure against risks to improvements on the property in an amount that exceeds the greater of the replacement or market value of the improvements.

3. Authorizes insurers to make group insurance certificates available to certificate holders electronically.

4. Provides that the only remedy for recovering a license fee or assessment paid by an insurer is to commence an action in the circuit court for Dane County.

5. Specifies requirements for property that is not owned by a local governmental unit but that may be covered under the local government property insurance fund. See also *State Government — State Finance*.

6. Provides that coverage, including stop-loss coverage, of an employer or plan sponsor related to claims incurred under the employer's or plan sponsor's self-funded employee welfare benefit plan is "insurance," as that term is used in the insurance statutes.

#### MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Senate Bill 178* would have required health insurance policies to cover treatment for autism spectrum disorders.

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## Local Law

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**Act 2** (AB-19) requires DOR to treat the tax incremental financing (TIF) district that the village of Edgar attempted to create as if it were created on January 1, 2005.

**Act 10** (SB-180) requires DOR to approve the boundary amendment to TIF district number 3 in the village of Altoona and to treat the district as if the boundary amendment were properly passed.

**Act 20** (SB-40) does the following:

1. Modifies the levy limit program to apply to taxes levied by a city, village, town, or county (political subdivision) in 2007 and 2008. Generally, the levy limit prohibits a political subdivision from increasing its tax levy by the greater of either 3.86 percent or the "valuation factor," which is an amount determined through a formula, for the 2007 levy, or the greater of either 2 percent or the valuation factor for taxes levied in 2008.

2. Increases from \$5,000 to \$15,000 the amount of annual wages that may be paid each year to an hourly

town employee who is also the town clerk, town treasurer, or town clerk-treasurer.

3. Authorizes the town and village of Rochester in Racine County to consolidate, subject to a referendum, without meeting any of the other current statutory requirements for consolidation.

4. Creates a new method for the town of Ledgeview in Brown County to become a village without fulfilling the current statutory requirements for becoming a village, other than holding a referendum.

**Act 21** (AB-457) requires DOR to make certain calculations regarding a TIF district in the village of Union Grove, and creates a limited exception for the city of Beloit for the maximum amount of certain values used in TIF district calculations.

**Act 41** (SB-332) requires DOR to treat TIF district number 6 in the city of Rhinelander as if the city amended, or attempted to amend, its project plan on January 1, 2006.

**Act 42** (AB-207) replaces cable television franchises granted by municipalities with video service franchises granted by DFI. For more information, see *Business and Consumer Law*.

**Act 43** (AB-254) creates procedures for resolving boundary disputes between municipalities, for establishing common municipal boundaries, and for using alternative dispute resolution in municipal boundary, annexation, and land use disputes.

**Act 44** (AB-341) generally changes from seven years to ten years the time by which a collected impact fee must be used or be refunded. See also *Real Estate*.

**Act 49** (SB-280) authorizes an elective member of a political subdivision's governing body to refuse his or her salary.

**Act 57** (AB-409) provides that a TIF district's project costs may be expended in territory that is located within a one-half-mile radius of the tax incremental district's boundaries if the territory is within the creating city's or village's boundaries.

**Act 72** (SB-335) authorizes any city, village, town, county, or town sanitary district to publish a notice of an enacted ordinance instead of publishing the complete text of an enacted ordinance.

**Act 73** (SB-417) increases the number of project plan amendments for TIF district number 2 in the village of Pleasant Prairie.

**Act 82** (AB-184) requires that funds held in trust by certain local governmental units solely to provide post-

employment benefits be held in segregated accounts and authorizes the funds to be invested in a manner that is consistent with the Uniform Prudent Investor Act.

**Act 114** (SB-176) denies salary and wages to a suspended or discharged member of the Milwaukee police force pending an appeal to the Board of Fire and Police Commissioners if criminal charges are pending against the officer and the charges arose out of the same conduct that resulted in the discharge or suspension. The act also allows the board to grant to either party, only for cause, an adjournment of a trial or investigation before the board.

**Act 115** (SB-366) authorizes Milwaukee County to issue appropriation bonds, other than refunding bonds, on a one-time basis to pay the county's unfunded prior service liability with respect to its county employee retirement system.

**Act 121** (AB-118) requires certain local governmental units to consider relationships with drainage districts when preparing comprehensive plans, requires local governmental units and drainage districts to provide notice to each other if a proposal affects drainage districts, and requires drainage districts to publish an educational pamphlet on drainage districts. See also *Real Estate*.

**Act 122** (SB-445) increases from \$10,000 to \$25,000 the minimum contract amount at which a drainage district must advertise for a public contract bid.

**Act 129** (AB-869) expands an exception to local levy limits for levies for debts incurred by a joint fire department.

**Act 184** (SB-269) prohibits a political subdivision from imposing a fee for a call for certain law enforcement services related to domestic abuse, sexual assault, or stalking. See also *Real Estate*.

**Act 188** (AB-706) specifically authorizes political subdivisions, metropolitan sewerage districts, and town sanitary districts to issue debt related to the Brownfields Revolving Loan Program.

**Act 226** (March 2008 Special Session AB-1) guarantees that the utility aid payment to certain municipalities is no less than the payment based on a power plant's 1990 value, less the value of any property no longer in use.

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## Natural Resources

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### CONSERVATION, FORESTRY, AND STEWARDSHIP

**Act 12** (SB-110) authorizes DNR to refuse to disclose the electronic mail addresses of subscribers to DNR's publications.

**Act 13** (AB-36) authorizes grants to local units of government, nonprofit organizations, and Indian tribes for damages to trees caused by storms for which the governor has declared an emergency.

**Act 20** (SB-40) extends the Warren Knowles-Gaylord Nelson Stewardship 2000 program to fiscal year 2019-20 and increases the overall funding from \$803,000,000 to \$1,663,000,000.

Act 20 also does the following:

1. Authorizes JCF, beginning on July 1, 2010, to review certain conservation activities and projects for which DNR proposes to incur more than \$750,000 in public debt under the Warren Knowles-Gaylord Nelson Stewardship 2000 program.

2. Limits the use of stewardship funding to purchase parcels less than ten acres in size to 20 percent of the funding available for each fiscal year.

3. Allows for a cost-sharing stewardship grant to a nonprofit conservation organization up to 75 percent (as opposed to up to 50 percent as under former law) of the cost of the project if the grant proposal meets certain criteria.

4. Requires that public access be provided to land and certain easements that are purchased with stewardship funding for the purpose of hunting and other nature-based outdoor recreation activities unless the Natural Resources Board determines that denial of access is necessary to protect public safety or unique animal or plant communities or to accommodate usership patterns, as defined in DNR administrative rules.

5. Requires DNR to provide a directory and Web site of all land and easements acquired with stewardship funding and requires signs to be posted at access points to provide ownership information and information about activities that are authorized or restricted on the land.

Act 20 makes changes to the Managed Forest Land Program, including:

1. Creating a grant program to acquire land for recreational purposes.

2. Prohibiting leases that allow commercial recreation on managed forest land.

Act 20 also specifies that all grants and bequests to, and all fees paid by partners in, the Karner Blue Butterfly Habitat Conservation Plan must be used for the plan.

## FISH AND GAME

**Act 20** (SB-40) does the following:

1. Requires DNR to establish a catch and release muskellunge fishing season and prohibits the use of any hook, bit, or lure, other than an artificial lure that has a barbless hook, during that fishing season.

2. Prohibits any person from using a hook, bit, or lure, other than an artificial lure that has a barbless hook, while fishing during a catch and release bass fishing season.

3. Prohibits a person from taking shovelnose sturgeon or their eggs unless the person holds a permit for that activity.

**Act 23** (AB-130) requires DNR to issue resident fish and game licenses, stamps, and other such approvals to members of the Wisconsin national guard who apply, regardless of their residency. This requirement allows the members to pay lower fees.

**Act 24** (AB-131) requires DNR to issue wild turkey hunting licenses and tags, special deer hunting permits, and Canada goose hunting permits outside the cumulative preference system to state residents who are on active military duty outside the United States and who are on leave in Wisconsin.

**Act 50** (AB-454) allows DNR to use the statewide automated system for issuing hunting, trapping, and fishing licenses that are required by the federal government.

**Act 51** (AB-296) allows the following persons to be considered residents for the purpose of receiving Wisconsin hunting, trapping, and fishing licenses, resulting in lower fees:

1. Members of the armed forces reserve units that are located in this state.

2. Members of the armed forces who are in active service and who are no longer Wisconsin residents but who resided in Wisconsin when they entered active service.

**Act 65** (AB-228) allows the holder of a hunting, trapping, or fishing license or permit that is issued under a preference or random selection system to transfer the

license or permit, for free, to an eligible minor if one has not been previously transferred to him or her.

**Act 66** (AB-359) allows a person who applies and who is selected for a bobcat, fisher, or otter permit under the cumulative preference system to defer receiving the permit to a later date instead of having to accept the permit for the upcoming season.

**Act 119** (AB-334) requires DNR to designate wild swine and feral swine as harmful wild animals.

## NAVIGABLE WATERS

**Act 20** (SB-40) prohibits granting easements or other real estate conveyances that create marina condominiums and invalidates existing conveyances recorded on or after June 1, 2007. A marina condominium is a boat docking facility without a residential unit. The act also increases boat registration fees.

**Act 204** (AB-297) makes various changes to the laws regulating piers, wharves, and similar structures, including the following:

1. Allows a pier to have a loading platform that is more than six feet wide if it meets certain other size and shape requirements.

2. Allows a riparian owner of property that is adjacent to a large lake and on which there are commercial structures or at least three dwelling units to have additional boat slips on a pier or wharf, if the owner obtains an individual permit from DNR and meets certain other conditions.

3. Exempts from permitting requirements certain piers and wharves that were put in place on or before February 6, 2004.

4. Prohibits DNR from taking enforcement action against a riparian owner for the improper placement of a pier, a wharf, or certain other structures if the owner obtained authorization for that pier, wharf, or structure on or before February 6, 2004.

5. Allows a pier or wharf that is exempt from permit requirements to be relocated or reconfigured if the owner previously registered the pier or wharf with DNR and, before relocating or reconfiguring the pier or wharf, registers it again with DNR.

6. Modifies the method for calculating the estimated motorboat gas tax payment for fiscal years 2007-08 to 2009-10.

**Act 226** (March 2008 Special Session AB-1) prohibits most people from possessing invasive fish species of a type specified by DNR. The act also prohibits a person from transporting a boat or boating equipment upon a

highway if the boat or equipment has any nonindigenous species attached that is of a type that causes economic or environmental harm, or harm to human health.

## PARKS AND RECREATION

**Act 20** (SB-40) does the following:

1. Exempts a motor vehicle transporting students to or from an outdoor academic class given by an accredited college or university in this state from the requirement that the vehicle display a vehicle admission receipt while on certain state lands.

2. Allows DNR to award grants to landowners who open all-terrain vehicle and snowmobile trails on their land.

3. Requires DNR and DOT to administer a pilot program that authorizes the participants to designate all-terrain vehicle routes and trails for lightweight utility vehicles to use.

**Act 29** (AB-526) imposes a speed limit of 55 miles per hour on snowmobiles operated during the night through the winter of 2009-10.

**Act 35** (SB-161) names the state trail system the Aldo Leopold Legacy Trail System.

**Act 165** (SB-49) exempts vehicles occupied by certain veterans from the requirement to have a vehicle admission sticker to enter state parks or certain other recreational areas and exempts these veterans from paying fees to use state trails.

**Act 209** (SB-514) authorizes a county or a municipality participating in a lightweight utility vehicle (LUV) pilot program to designate any all-terrain vehicle route or trail located in the county or municipality as one that may be used by operators of LUVs.

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## Occupational Regulation

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**Act 20** (SB-40) makes the following changes to the laws relating to occupational regulation:

1. Authorizes DRL to adjust credential renewal fees administratively.

2. Establishes new licensure and regulatory requirements for prescription drug wholesale distributors, including restrictions on the transfer of wholesale prescription drugs and requirements for prescription drug

pedigrees that detail the movement of prescription drugs through the distribution chain.

**Act 31** (AB-153) requires dentists to complete 30 hours of continuing education every two years as a condition of license renewal.

**Act 47** (AB-181) authorizes the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers of Engineering Systems, and Land Surveyors to establish continuing education requirements for persons seeking to renew a credential.

**Act 54** (AB-413) authorizes the Medical Examining Board to issue a temporary certificate to practice respiratory care to certain individuals who are certified to practice respiratory care in another state.

**Act 104** (SB-142) requires any person who is required under prior law to obtain certification in cardiopulmonary resuscitation (CPR) to complete a course on the use of an automated external defibrillator (AED). The act also requires certain persons to demonstrate proficiency in the use of an AED as a condition of licensure or certification. See also *Children and Health and Social Services — Health*.

**Act 143** (SB-315) clarifies that DRL's authority to limit a credential includes the authority to impose conditions and requirements upon the holder of the credential, to restrict the scope of the holder's practice, or both.

**Act 174** (SB-288) makes the following changes to laws governing cemetery authorities, cemetery associations, and cemetery merchandise:

1. Transfers rule-making and supervisory authority over the management of care funds and preneed trust funds from DRL to the Cemetery Board.

2. Subjects the deposit, investment, and transfer of care funds and preneed trust funds by nonprofit cemetery authorities to Cemetery Board regulation.

3. Requires certain cemetery authorities that are not required to be licensed by the Cemetery Board to register certain cemeteries with the Cemetery Board and exempts such cemetery authorities from a requirement that a cemetery authority notify the Cemetery Board in writing of a proposed sale of cemetery land.

4. Changes reporting requirements applicable to certain cemetery authorities and cemetery associations and transfers from DRL to the Cemetery Board the responsibility for receiving reports submitted by cemetery authorities.

5. Transfers from DRL to the Cemetery Board the regulation of buildings where cemetery merchandise is sold.

**Act 202** (SB-409) authorizes the Pharmacy Examining Board to create exceptions to the general requirement that pharmacists dispense prescription drugs only at licensed pharmacies by authorizing a pharmacist to dispense prescription drugs at any of the following locations: 1) a health care facility; 2) the office or clinic of a person authorized to prescribe and administer drugs; 3) a county jail, rehabilitation facility, state prison, or county house of correction; and 4) specified correctional, detention, and residential care facilities for children and youth.

**Act 213** (SB-551) raises the threshold annual contribution amounts at which charitable organizations registered with DRL must file annual financial reports or audited financial statements. The act also requires certain charitable organizations to file financial statements that have been reviewed, but not audited, by a certified public accountant.

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## Public Utilities

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**Act 17** (SB-179) excludes certain revenues received by a certain energy utility in determining whether the energy utility satisfies a requirement to spend 1.2 percent of its annual revenues on energy efficiency and renewable resource programs. The act applies to an energy utility that was not required in 2005 to collect revenues from its customers for low-income assistance, energy efficiency, and renewable resource programs.

**Act 20** (SB-40) makes the following changes related to public utilities:

1. Transfers from DOA to the PSC certain incumbent employees who administer energy efficiency and renewable resource programs.

2. Repeals a \$6,000,000 annual limit on the amount that the PSC may require telecommunications providers to contribute to the universal service fund (USF) for promoting universal access to telecommunications service.

3. Allows a telecommunications provider to recover the entire amount of its contributions to the USF as a surcharge on customer bills. Under prior law, recovery was limited to those contributions related to programs administered by agencies other than the PSC.

4. Requires the PSC to reimburse a telecommunications provider for overpayments to the USF due to mistakes by either the telecommunications provider or the PSC.

5. Allows moneys in the USF to be used to pay for certain telecommunications services provided to the entire UW System, instead of only to certain campuses as specified under prior law.

### MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Assembly Bill 346* would have eliminated limits on the PSC's authorization of the construction of nuclear power plants.

*Assembly Bill 561* and *Senate Bill 285* would have allowed certain telecommunications utilities to exempt their retail services from regulation by the PSC.

*Assembly Bill 728* would have exempted from disclosure under the open records law certain plans regarding the security of public utilities and telecommunications providers.

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## Real Estate

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**Act 18** (SB-11) allows time-share licenses, which give the right to occupy a time-share unit without conveying an interest in the property.

**Act 44** (AB-341) allows a political subdivision to impose a charge to fund the acquisition or initial improvement of land for public parks as a condition for subdivision approval and specifies the conditions under which the dedication of lands for storm water facilities is accepted by a municipality. See also *Local Law*.

**Act 121** (AB-118) requires the seller of residential real property to disclose on the real estate condition report whether he or she is aware that the property is in a special purpose district that may impose assessments against the property. See also *Local Law*.

**Act 184** (SB-269) allows a tenant to terminate his or her tenancy if the tenant or the tenant's child faces an imminent threat of serious physical harm from another person by remaining on the premises and if the tenant provides the landlord with notice and a certified copy of any of the following: certain injunctions protecting the tenant or child from the other person; a condition of release ordering the person not to contact the tenant; a criminal complaint alleging that the person sexually assaulted or stalked the child or tenant; or a criminal complaint filed as a result of the person's arrest for domestic abuse against the tenant (threat or harm-prevention document). The act allows a landlord to terminate the tenancy of a tenant who causes an imminent threat

of serious physical harm to another tenant or tenant's child if the tenant causing the threat is the named offender against the other tenant or child in a threat or harm-prevention document. In addition, the act provides that a lease is void if it allows a landlord to take certain actions, including increasing rent or decreasing services, because the tenant has requested law enforcement, health, or safety services. See also *Local Law*.

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## State Government

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### STATE BUILDING PROGRAM

**Act 20** (SB-40) makes the following changes to the laws governing executive branch agency information technology (IT) projects:

1. Requires DOA to develop and implement an integrated business information system (IBIS) to provide IT services, including payroll, accounting, and procurement services, to all executive branch agencies. The act allows nonexecutive branch agencies, authorities, and local units of government to utilize IBIS, and permits DOA to charge the agencies for the services.
2. Requires DOA to adopt written policies for executive branch IT projects that are included in the annual strategic plans for each executive branch agency and that either exceed \$1,000,000 or are vital to agency functions.
3. Requires DOA to define a "large, high-risk information technology project" and to promulgate policies related to the reporting on, and monitoring, modification, and financing of, IT projects.
4. Requires executive branch agencies to review commercially available products before initiating a customized IT development project and to justify to DOA the development of a customized product.
5. Requires DOA to report annually on the use of master leases to fund IT projects. A "master lease" is an agreement entered into by DOA on behalf of one or more agencies under which DOA makes periodic payments for property or services.
6. Requires DOA, with certain exceptions, to include in each contract with a vendor of IT that involves a high-risk or a high-cost IT project a clause authorizing DOA to review any proposed change to the scope or price of the contract and requiring the vendor to obtain DOA approval for any such change.
7. Requires DOA to submit, for each executive

branch agency, detailed reports about high-risk and high-cost IT projects to the Joint Committee on Information Policy and Technology, including the original and updated costs, completion dates, and funding sources for the projects.

**Act 20** (SB-40) and **Act 105** (SB-456) authorize \$1,185,546,000 in new or expanded state building projects, excluding highway projects, and authorize \$877,013,500 in new general obligation bonding authority for the State Building Program and capital equipment for buildings.

### STATE FINANCE

**Act 5** (SB-39) makes the following changes to laws relating to state finance:

1. Requires the secretary of administration to assess all state agencies for their share of debt service payments on obligations issued to pay the state's unfunded liability under the WRS.
2. Authorizes 270.92 full-time equivalent positions that would have otherwise expired on April 1, 2007, to continue operating state-owned power and waste water treatment plants.
3. Authorizes 31 positions at DOJ for the analysis of deoxyribonucleic acid (DNA).
4. Requires the secretary of administration to lapse or transfer to the general fund from state operations appropriations an amount equal to \$11,132,000 during the 2006-07 fiscal year.

**Act 20** (SB-40) makes the following changes to laws relating to state finance:

1. Requires DOA to lapse or transfer \$200,000,000 to the general fund during the 2007-09 and 2009-11 fiscal biennia from executive branch state agencies other than the UW System and the Technical College System.
2. Requires DOA to lapse or transfer to the general fund \$25,000,000 during the 2007-09 and 2009-11 fiscal biennia from the UW System, and \$1,000,000 during the 2007-09 and 2009-11 fiscal biennia from the Technical College System.
3. Authorizes the building commission to enter into agreements relating to public debt that would allow the state to enter into interest rate exchange arrangements associated with the public debt.

**Act 74** (SB-402) pays a claim against the state to indemnify Georgia Thompson.

**Act 123** (AB-486) pays a claim against the state made by Klemme Brothers Well Drilling, Inc.

**Act 154** (AB-605) clarifies that state investment fund assets may be invested in certain direct obligations, commercial paper, and certificates of deposit.

**Act 155** (AB-606) changes the Investment Board's annual report from a fiscal year report to a calendar year report.

**Act 170** (SB-386) allows the Investment Board to invest local government property insurance fund (LGPIF) moneys in an authorized list of fixed income investments and equity securities. Under the act, LGPIF moneys are no longer invested as part of the state investment fund. See also *Insurance*.

**Act 212** (AB-623) allows the Investment Board to manage WRS contributions in its core retirement investment trust and variable retirement investment trust in any manner that does not violate the Investment Board's statutory standard of responsibility, instead of limiting investment authority to an authorized list of investments.

**Act 226** (March 2008 Special Session AB-1) does all of the following relating to state finances:

1. Authorizes the secretary of administration to repurchase the state's right to receive any of the payments under the tobacco settlement agreement. The tobacco settlement agreement resulted from a settlement of lawsuits brought against U.S. tobacco product manufacturers. In 2001, the secretary sold the state's right to receive payments under the tobacco settlement agreement. The act further requires that all proceeds from the repurchase be deposited into the permanent endowment fund.

2. Requires the secretary of administration to lapse or transfer \$270,000,000 to the general fund from executive branch appropriations.

3. Transfers \$57,000,000 from the budget stabilization fund to the general fund in the 2007-08 fiscal year.

4. Before July 1, 2009, transfers \$309,000,000 from the permanent endowment fund to the Medical Assistance trust fund.

## OTHER STATE GOVERNMENT

**Act 1** (January 2007 Special Session SB-1) creates a non-partisan Government Accountability Board that replaces the Elections Board and the Ethics Board. The act prescribes procedures for the board's investigation and enforcement of elections, ethics, and lobbying laws. In addition, the act provides for access to records of the board and certain investigators and prosecutors.

**Act 20** (SB-40) creates an Office of Energy Independence in DOA, which must work on initiatives for generating at least 25 percent of this state's power and transportation fuels from renewable resources, capturing at least 10 percent of the national emerging bioindustry and renewable energy markets, and ensuring that Wisconsin is a national leader in alternative energy research.

Act 20 also eliminates the Revisor of Statutes and transfers its functions to the Legislative Reference Bureau.

**Act 71** (SB-136) provides that certain governmental officers will receive copies of the Wisconsin statutes only upon request.

**Act 96** (SB-300), **Act 97** (SB-301), **Act 98** (SB-302), **Act 99** (SB-303), **Act 100** (SB-304), **Act 101** (SB-305), and **Act 158** (AB-848) are revisor's correction bills.

**Act 126** (SB-86) requires the Legislative Audit Bureau to maintain a toll-free telephone number so people may report fraud, waste, and mismanagement.

**Act 166** (AB-450) requires that a United States flag that is displayed at a government building, structure, or facility be manufactured in the United States.

**Act 217** (AB-212) designates the Wisconsin state tartan.

## MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

*Senate Bill 12* and *December 2007 Special Session Senate Bill 1* would have made extensive changes to campaign finance and related laws.

*Assembly Bill 250* and *Senate Bill 171* would have provided for public financing of campaigns for the office of justice of the supreme court.

*Assembly Bill 272*, *Assembly Bill 355*, and *Assembly Bill 704* and *Senate Bill 77*, *Senate Bill 182*, and *Senate Bill 463* would have expressly specified that the campaign finance law regulates certain communications that do not urge a vote for or against a candidate ("issue ads").

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## Taxation

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**Act 4** (SB-14) provides loans to persons who pay increased property taxes due to an error in DOR's calculation of equalized value.

**Act 19** (SB-122) exempts from the property tax certain property used to treat waste or air contaminants.

**Act 20** (SB-40) makes the following changes in the laws related to taxation:

1. Exempts from the income tax withholding requirements for nonresident members of pass-through entities any member who agrees to be subject to the state's income and franchise taxes.

2. Generally adopts, for income and franchise tax purposes, the provisions of the Internal Revenue Code (IRC) in effect on December 31, 2006.

3. Modifies the calculation of the enterprise zones tax credit based on jobs and eliminates the part of the credit based on payroll and property.

4. Increases the credits that taxpayers may claim under the angel investment and early stage seed investment tax credit programs and allows credits under the angel investment credit program for investments in constructing power plants that derive energy from renewable resources.

5. Creates income and franchise tax credits for all of the following: amounts paid by a health care provider for information technology hardware and software that maintains electronic medical records; amounts paid to install or retrofit service station pumps that dispense motor vehicle fuel consisting of at least 85 percent ethanol or at least 20 percent biodiesel; amounts paid for dairy manufacturing modernization or expansion; amounts paid to a community rehabilitation program to perform work for the taxpayer's business; and an amount equal to 10 cents per gallon for each gallon of biodiesel fuel produced by the taxpayer.

6. Exempts from income and franchise taxes income from veterans service organizations.

7. Creates a sales tax exemption for catalogs and the envelopes in which catalogs are mailed.

8. Creates sales and use tax exemptions for all of the following: tangible personal property and taxable services sold by a home exchange service that is operated by DVA; certain products that are powered by wind energy, solar energy, or gas generated from anaerobic digestion of agricultural waste; tangible personal property and taxable services used exclusively by a cemetery company; and biomass used for fuel and sold for residential use.

9. Modifies the definition of "gross receipts" for sales and use tax purposes to tax transfers of certain assets within a company.

10. Expands the sales and use tax exemption for clay pigeons sold to certain shooting facilities to exempt a shooting facility that is a nonprofit organization and not required to pay sales tax on admissions to the facility.

11. Increases the excise tax on cigarettes from 77 cents per pack to \$1.77 per pack.

12. Increases the excise tax on tobacco products from 25 percent to 50 percent of the manufacturer's list price.

13. Modifies the excise tax on tobacco products to tax moist snuff at the rate of \$1.31 per ounce and to limit the tax on cigars to 50 cents each.

14. Modifies the license fees on the sale at wholesale of electricity so sales occurring after December 31, 2009, continue to be assessed at the rate of 1.59 percent of sales revenues.

15. Requires taxpayers and tax advisors to report certain transactions undertaken to evade income and franchise taxes.

16. Authorizes DOR to enter into agreements with Indian tribes to collect certain debts owed to the tribes by subtracting the amount of the debt from a debtor's tax refund.

17. Creates an individual income tax deduction for health insurance premiums paid by an employee whose employer pays part of such premiums.

18. For taxable years after 2008, increases the maximum individual income tax college tuition deduction and applies the deduction to mandatory student fees.

19. For taxable years after 2008, creates an individual income tax deduction for certain expenses related to child and dependent care that may be claimed under a similar federal credit.

20. Provides an individual income tax exclusion for taxpayers aged 65 or older with adjusted gross income (AGI) of \$15,000 or less (\$30,000 or less for married joint filers) for distributions from a qualified retirement plan under the IRC or from an individual retirement account.

21. Provides that amounts received by a nonresident of this state under a covenant not to compete are taxable to the extent that the covenant was based on a Wisconsin-based activity.

22. In calculating Wisconsin AGI, requires nonresidents and part-year residents to add back to federal AGI certain items that are deductible under the IRC and related to income that is not taxable by the state.

23. For taxable years after 2008, exempts from individual and corporate income taxes interest paid on certain bonds issued by WHEFA and used by a health facility to fund the acquisition of information technology hardware and software.

24. Expands eligibility for the veterans and surviving spouses property tax credit by modifying provisions

relating to a veteran's age, residency, and unemployment.

25. Lowers from \$25,000 to \$5,000 the threshold amount that requires DOR to post on the Internet the identities of persons with delinquent tax accounts.

**Act 86** (AB-580) requires a taxation district to grant a 60-day extension to hear a taxpayer's objection to a property tax assessment if an ordinance authorizes such extensions.

**Act 151** (SB-376) corrects references to the IRC for income and franchise tax purposes.

**Act 183** (AB-789) allows the Department of Commerce to allocate a portion of unused airport development zone tax credits to taxpayers doing business in agricultural development zones and technology zones.

**Act 190** (AB-77) distributes school levy and lottery and gaming property tax credits to counties rather than to municipalities.

**Act 210** (AB-470) requires a taxation district assessor to notify a property owner that the property owner may be subject to a charge for converting the property from agricultural use to another use.

**Act 215** (AB-654) eliminates a study related to whether property taxes should be imposed on public utility property.

**Act 219** (SB-549) requires the electronic filing of real estate transfer returns and generally prohibits disclosing telephone numbers and social security numbers on such returns.

**Act 226** (March 2008 Special Session AB-1) disallows certain income and franchise tax deductions for interest or rental expenses that a business pays to a related entity.

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## Transportation

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### DRIVING PRIVILEGES

**Act 20** (SB-40) does the following:

1. Incorporates into state law requirements of the federal REAL ID Act of 2005 necessary for federal agencies to recognize for an "official purpose" state driver's licenses and identification cards. The act requires DOT to verify certain information about applicants for driver's licenses and identification cards, including the

applicant's identity, date of birth, and proof of citizenship or legal presence in the United States (as under preexisting law). DOT must retain for at least ten years a copy of any documentation verifying information. For certain noncitizen applicants, any driver's licenses or identification cards must identify the license or card as temporary. For these noncitizens, the license or card may not be renewed unless the applicant's continued legal presence in the United States is authorized. DOT must also cancel a driver's license or identification card if it receives notice that the person's presence in the United States is no longer authorized. Every driver's license and identification card must include a digital color photograph of the applicant. An applicant who does not provide a social security number must show that he or she is ineligible for a social security number. DOT must provide electronic access to DOT's driver's license and identification card records to the driver licensing agencies of other states. These changes generally do not become effective until the later of May 11, 2008, or the date specified in a notice provided by DOT after DOT has determined that it is ready to fully implement the provisions of the act.

2. Creates an additional federal fee of \$10 that must be paid to DOT for issuance, renewal, or reinstatement of a driver's license or identification card. The act doubles the valid period for an identification card, from four years to eight years, and doubles the identification card fee, from \$9 to \$18.

3. Allows a person whose driver's license is canceled by DOT because of unsatisfactory eyesight to retain the driver's license for use as an identification card.

**Act 120** (AB-169) allows public health nurses to provide certification so that a person with physical disabilities may obtain a special registration plate or disabled parking identification card.

**Act 134** (AB-591) clarifies the period for which a court may suspend the operating privilege of an underage person if the person operates a vehicle with an intoxicant in the vehicle.

**Act 136** (AB-593) clarifies that when a person has his or her operating privilege administratively suspended because of a positive chemical sobriety test, he or she is immediately eligible for an occupational license.

**Act 162** (AB-370) allows a person holding a military commercial driver license to apply to DOT for a Wisconsin commercial driver license and requires DOT to treat that application as it would an application from a person who holds a commercial driver license from another jurisdiction.

## HIGHWAYS AND LOCAL ASSISTANCE

**Act 6** (SB-55) requires DOT to designate and mark a bridge across the Wisconsin River in the city of Tomahawk as “Veterans Memorial Bridge.”

**Act 20** (SB-40) does the following:

1. Enumerates two southeast Wisconsin freeway rehabilitation projects, the zoo interchange project in Milwaukee County and the I 94 north-south corridor project in southeastern Wisconsin, allowing DOT to spend moneys other than bonding proceeds for these projects.

2. Prohibits adding traffic lanes on a specified portion of I 94 adjacent to Wood National Cemetery in Milwaukee County.

3. Increases by about \$90 million the limit on general obligation bonds that may be used for specified southeast Wisconsin freeway rehabilitation projects and allows proceeds from these bonds to be used to fund the reconstruction of the I 94 north-south corridor.

4. Changes state highway and local assistance programs by increasing the limit on revenue bonds for major highway projects and other transportation facilities from about \$2.3 billion to about \$2.7 billion; increasing the rate and level of general transportation aids to counties and municipalities by 3 percent in 2008 and 3 percent in 2009; increasing the level of aid for mass transit systems by at least 2.5 percent in 2008 and at least 2.5 percent in 2009; and increasing DOT’s discretionary allocations of the Local Roads Improvement Program by 2 percent in 2008 and 2 percent in 2009.

5. Eliminates DOT’s Surface Transportation Discretionary Grants Program and modifies DOT’s Bicycle and Pedestrian Facilities Programs.

6. Creates a Safe Routes to School program to promote walking or riding bicycles to school and to increase safety in the vicinity of schools.

7. Requires DOT to prepare a current project schedule, to accompany the highway report to the Transportation Projects Commission, showing annual funding required until project completion.

8. Imposes requirements on DOT that include awarding grants for numerous highway projects.

**Act 30** (AB-106) requires DOT to designate and mark a bridge on STH 156 in the town of Navarino as the “Avery Wilber Memorial Bridge.”

**Act 55** (SB-279) allows an attraction located up to 30 miles from a highway to have a business sign posted on a specific information sign along that highway.

**Act 161** (AB-351) requires DOT to designate and mark a bridge on I 39/90/94 across the Wisconsin River in

Columbia County as the “Veterans of the American Revolution Memorial Bridge.”

**Act 163** (SB-234) requires DOT to designate the entire route of STH 57 as the “57th Field Artillery Brigade Memorial Highway.”

**Act 167** (SB-413) requires DOT to bear maintenance costs of up to \$2,000 per year for military memorial markers on bridges and highways.

**Act 226** (March 2008 Special Session AB-1) authorizes an additional \$50 million in general obligation bonding for state highway rehabilitation projects. The act also provides for payment by DOT of general transportation aids to counties in three annual installments rather than four, without changing the total annual amount of aids payable. The act further requires the secretary of administration to transfer \$2 million from the transportation fund to the general fund.

## IMPAIRED DRIVING

**Act 94** (SB-369) restricts a person with an occupational driver’s license to vehicles equipped with an ignition interlock device if the person has two or more violations relating to operating a motor vehicle while intoxicated and a court requires the person to use an ignition interlock device.

**Act 111** (SB-116) changes the criminal penalties for repeat drunken driving offenses. A fifth or sixth offense is a Class H felony; a seventh, eighth, or ninth offense is a Class G felony; and a tenth or subsequent offense is a Class F felony.

## MOTOR VEHICLE DEALERS

**Act 32** (AB-425) modifies proceedings before the DOA Division of Hearings and Appeals arising from the refusal of a motor vehicle manufacturer, importer, or distributor to approve a motor vehicle dealer’s proposed changes to the dealership.

**Act 175** (SB-511) allows a third-party vehicle transporter with no ownership interest in a vehicle to transport the vehicle from a dealer, distributor, manufacturer, or branch of a manufacturer to a purchaser.

## MOTOR VEHICLES

**Act 16** (SB-209) allows vehicles operating on USH 2 under a DOT Michigan border permit to transport wood chips or forestry biomass and to operate on USH 2 in Bayfield County from the Ashland County line to Hart Lake Road.

**Act 20** (SB-40) does the following:

1. Modifies motor vehicle exemptions from emission inspections under the Motor Vehicle Emission Inspection and Maintenance Program.

2. Allows DOT to authorize or require contractors to install and operate self-service inspection stations.

3. Allows DOT to establish methods for emission inspections in addition to inspections by third-party contractors.

4. Authorizes DOT to participate in the federal unified carrier registration system, which allows interstate motor carriers to register and pay fees regarding insurance requirements in a single state.

5. Increases the registration fee for automobiles from \$55 to \$75, for light trucks under 4,500 pounds from \$48.50 to \$75, for trucks between 4,500 pounds and 8,000 pounds by approximately 37 percent, and for trucks above 8,000 pounds by approximately 30 percent.

6. Allows heavy-duty vehicles equipped with idle reduction technology to exceed applicable maximum weight limitations by not more than 400 pounds or the weight of the idle reduction technology, whichever is less.

7. Applies a penalty for overweight violations to any vehicle combination transporting raw forest products.

**Act 33** (SB-186) eliminates municipal licensing of neighborhood electric vehicles (NEVs) and instead requires NEVs to be registered and titled with DOT. The act also modifies the definition of NEV and modifies municipal authority to allow operation of NEVs on a municipality's roadways. The act exempts NEVs from vehicle emission inspections.

**Act 38** (AB-88) adds first responders as persons eligible for the special registration plate for emergency medical technicians.

**Act 60** (AB-100) allows mobile homes, other than fifth-wheels, that are not equipped with safety glass to be operated on highways.

**Act 93** (SB-368) clarifies that a specific length limitation for certain semitrailers and trailers applies only to vehicles operated on highways designated by DOT.

**Act 107** (AB-442) creates a special registration plate for Donate Life Wisconsin to promote organ and tissue donation.

**Act 137** (AB-594) corrects a statute that requires any vehicle that must be registered with DOT to be currently registered or have a registration application in process if the vehicle is used on a highway.

**Act 138** (AB-595) requires applicants for a title to a motor vehicle to inform DOT if the vehicle was hail-damaged.

**Act 160** (AB-80) modifies eligibility for "gold star" special registration plates to include the immediate family of a person who died while serving in the U.S. armed forces or national guard if the family member qualifies for a gold star lapel button under federal law.

**Act 171** (SB-435) provides multiple trip permits for transporting granular roofing material in certain overweight vehicles.

**Act 177** (AB-159) allows a vehicle in a funeral procession to be equipped with a flashing amber light if all vehicles in the procession are so equipped.

**Act 194** (SB-20) expands eligibility for special fire fighter registration plates to surviving spouses of fire fighters who die in the line of duty. The act also allows fire fighters, rescue squad members, and emergency medical technicians to retain special occupational registration plates if they are prevented from performing their job duties by work-related injuries.

## TRAFFIC AND PARKING REGULATION

**Act 20** (SB-40) recognizes as authorized emergency vehicles motor vehicles used to transport human organs or related medical personnel or devices. These vehicles may be equipped with flashing emergency lights and sirens and are exempt from certain traffic laws if the vehicle operator has completed a course in emergency vehicle operation and the vehicle is appropriately marked.

**Act 207** (SB-519) increases the liability of a vehicle owner for a nonmoving traffic citation issued while the vehicle was in the possession of a renter or lessee from 50 percent to 100 percent of the unpaid forfeitures and charges arising from that citation. The owner may charge the renter's or lessee's credit card for the unpaid forfeitures and associated charges and fees of up to \$30, if the vehicle owner satisfies certain requirements.

## OTHER TRANSPORTATION

**Act 20** (SB-40) does the following:

1. Eliminates an annual transfer from the general fund to the environmental fund of an amount equal to the amount of supplemental vehicle title fees collected by DOT in the prior fiscal year. The act instead creates an annual appropriation to transfer money from the general fund to the environmental fund.

2. Requires DOT under certain conditions to develop a plan to eliminate a projected deficit in the transportation fund by reducing DOT's state funds appropriations, with certain appropriations excepted.

3. Expands the Rail Passenger Route Development Program to include rail service routes between Chicago and Milwaukee, between Madison and La Crosse, and between Madison and Eau Claire.

4. Prohibits the Regional Transit Authority, composed of Kenosha, Milwaukee, and Racine counties, from using rental car transaction fee revenues for lobbying activities.

5. Increases the authority to contract state debt for rail passenger route development from \$50,000,000 to \$82,000,000 and for rail property acquisitions and improvements from \$44,500,000 to \$66,500,000.

6. Increases the authority to contract state debt for harbor improvements from \$40,700,000 to \$53,400,000.

**Act 117** (SB-72) provides for the state to join the Midwest Interstate Passenger Rail Compact, which promotes and facilitates intercity passenger rail service in the Midwest and coordinates interstate passenger rail service. The compact creates a Midwest Interstate Passenger Rail Commission, the duties of which include funding and authorizing passenger rail improvements in the Midwest, seeking partnerships to improve passenger rail service, and seeking a long-term, interstate plan for high-speed passenger rail service.

**Act 135** (AB-592) authorizes the secretary of transportation to sign and execute in the name of DOT conveyances, contracts, and agreements with other states and their subdivisions.

3. Expands eligibility for burial at a veterans cemetery to include veterans who died while on active duty and deceased resident veterans who were released from active duty under conditions other than dishonorable.

4. Provides funding to the city of Milwaukee for the housing costs of homeless veterans and their families.

**Act 22** (AB-63) moves Hire a Veteran Week to the week in which November 11 falls and creates a veteran recognition week which ends on November 11.

**Act 25** (AB-270) removes the representatives of the Veterans of World War I and the Federation of Minority Veterans, Inc., from the Council on Veterans Programs and adds representatives from the Wisconsin Council of the Military Officers Association of Wisconsin and the Retired Enlisted Association.

**Act 46** (AB-75) requires DMA to assist national guard members in obtaining certain health screening tests to determine their exposure to depleted uranium. The act also requires DVA to inform veterans, veterans organizations, health care providers, and others about exposure to depleted uranium.

**Act 79** (AB-321) provides immunity from civil liability to persons who donate food or emergency household products to public agencies, allows counties to declare public emergencies, and requires schools to conduct tornado and other hazard drills at least twice a year.

**Act 87** (AB-581) prohibits state and local officials from using emergency powers to restrict lawful activities related to firearms or ammunition.

**Act 200** (AB-400) renumbers, reorganizes, and modernizes the chapter dealing with DMA; removes unnecessary language; and makes minor substantive changes. The act revises and codifies the Wisconsin Code of Military Justice, which generally applies to Wisconsin National Guard members, and establishes military and nonmilitary offenses, prosecution procedures, and penalties.

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## Veterans and Military Affairs

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**Act 20** (SB-40) makes a number of changes in the laws regarding veterans and military affairs. The act:

1. Requires DVA to establish a voluntary statewide registry of information regarding veteran's health issues, including post-traumatic stress disorder and Gulf War syndrome.

2. Increases from \$2,000 to \$3,000 the maximum amount available for subsistence aid to a veteran under the Veterans Assistance Program during a 12-month period and increases from \$5,000 to \$7,500 the total amount available to a veteran.

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