State of Wisconsin

Date of enactment: **June 2, 1998**

1997 Assembly Bill 768 Date of publication*: **June 16, 1998**

1997 WISCONSIN ACT 237

(Vetoed in Part)

AN ACT ***to repeal*** 16.22 (2) (kL), 20.370 (6) (at), 20.370 (6) (cq), 20.395 (5) (qt), 20.435 (1) (dg), 20.435 (5) (er), 20.505 (4) (fm), 20.525 (1) (k), 20.923 (4) (j), 25.32, 29.01 (11d), 40.25 (6) (a) 5., 40.31 (2), 46.10 (14) (e) 1m., 46.27 (11) (c) 3m., 49.45 (2) (a) 21., 49.775 (4) (b), 50.01 (5), 50.065 (1) (c) 5., 50.095 (3) (a), 50.50 (12), 70.11 (23), 70.47 (7) (b), 71.34 (1) (j), 71.91 (8) (title), 73.03 (27) (a) to (e), 73.03 (28g), subchapter XIII of chapter 77 [precedes 77.997], 85.52 (3) (dm), 86.195 (2) (ag) 16m., 106.04 (2r) (a) (intro.), 106.04 (2r) (g) 3., 118.192 (4) (a), 153.07 (5), 227.01 (13) (yt), 292.66 (5), 440.03 (11m), 440.03 (12), 440.035 (5), 440.08 (2r), 609.01 (1), 758.19 (4m), 779.14 (1m) (b) 1., 814.69 (2) and 939.74 (2) (d); ***to renumber*** 20.923 (14), 48.685 (5) (a), 48.685 (5) (b), 48.685 (5) (c), 48.685 (5) (d), 48.685 (5) (e), 50.33 (1), 71.10 (4) (de), 94.69, 106.04 (2r) (a) 1., 106.04 (2r) (a) 2., 106.04 (2r) (a) 3., 106.04 (2r) (a) 4., 106.04 (2r) (a) 6., 106.04 (2r) (c) 1., 106.04 (2r) (c) 2., 106.04 (2r) (c) 3., 106.04 (2r) (c) 4., 106.04 (2r) (f) (title) and 1., 106.04 (2r) (g) (title) and 1., 120.115 (1), 149.146 (1) (b), 217.05 (intro.), 217.05 (1) to (4), 218.11 (6m), 218.12 (3m), 218.22 (3m), 218.32 (3m), 218.41 (3m), 218.51 (4m), 224.77 (6), 281.58 (3), 341.51 (4m), 343.665, 343.675, 440.13 (1) (a), 560.183 (6m), 560.184 (6m), 560.615 (2), 628.097 (1), 628.097 (2), 632.68 (2) (bc), 632.68 (2) (bm), 632.68 (2) (cm), 632.68 (3) (b), 632.68 (4) (bc), 632.68 (4) (bm), 632.68 (5) (b), 632.895 (11) (c), 633.14 (2c) and 633.14 (2m); ***to renumber and amend*** 28.11 (5m), 36.05 (4), 48.685 (2) (b) 3., 48.685 (5) (intro.), 49.775 (4) (a), 50.04 (2v), 50.065 (2) (b) 3., 62.50 (17), 71.07 (9) (b), 71.91 (8), 73.03 (27) (intro.), 103.05 (4), 106.04 (2r) (a) 5., 106.04 (2r) (c) (intro.), 106.04 (2r) (d), 106.04 (2r) (e), 106.04 (2r) (f) 2., 106.04 (2r) (g) 2., 109.09 (2), 118.30 (1m) (a), 118.30 (1m) (am), 138.12 (4) (a), 149.14 (6) (b), 218.02 (2) (a) 1., 218.02 (9) (a), 440.01 (2) (cm), 563.80, 779.14 (1m) (a), 779.14 (1m) (b) 1m., 779.14 (1m) (b) 2., 779.14 (1m) (b) 3., 779.14 (1m) (b) 4., 779.14 (1m) (b) 5. and 938.235 (8); ***to consolidate, renumber and amend*** 118.192 (4) (intro.) and (b); ***to amend*** 6.875 (1) (a), 13.48 (2) (f), 13.63 (1), 13.90 (1) (intro.), 13.90 (1m) (a), 13.90 (8), 13.92 (2) (a), 13.96 (intro.), 13.96 (1), 13.96 (2) (intro.), 13.96 (2) (c), 13.96 (2) (f), 15.01 (2), 15.145 (1), 15.67 (1) (a) 5., 15.91, 16.835, 16.847 (1) (b), 16.974 (7) (a), 19.42 (13) (c), 19.55 (2) (d), 19.85 (1) (d), 20.002 (11) (b), 20.143 (1) (c), 20.143 (1) (ie), 20.143 (1) (qa), 20.215 (1) (b), 20.255 (2) (ac), 20.255 (2) (q), 20.275 (1) (s) (title), 20.275 (1) (tm), 20.285 (1) (h), 20.285 (1) (ha), 20.285 (1) (rc), 20.285 (2) (h), 20.320 (1) (x), 20.370 (2) (da), 20.370 (5) (cq), 20.370 (6) (br), 20.370 (8) (mt), 20.395 (2) (gj), 20.410 (3) (hm), 20.410 (3) (ho), 20.435 (1) (bm), 20.435 (6) (a), 20.435 (7) (ed), 20.435 (7) (o), 20.455 (5) (kj), 20.512 (1) (i), 20.525 (1) (k), 20.566 (1) (hq), 20.765 (3) (em), 20.865 (1) (c), 20.865 (1) (ci), 20.865 (1) (i), 20.865 (1) (ic), 20.865 (1) (s), 20.865 (1) (si), 20.866 (2) (ze), 20.866 (2) (zf), 20.921 (2) (a), 20.923 (4) (intro.), 20.923 (4) (e) 5m., 20.923 (4m), 20.923 (5), 20.923 (6) (bp), 20.923 (15) (a), 20.923 (15) (b), 20.923 (16), 20.9275 (2) (intro.), 20.9275 (2) (a) (intro.), 21.49 (1) (b) 1., 25.40 (1) (ij), 25.43 (2) (c), 25.43 (3), 29.134 (3), 29.135 (3), 29.138 (3) (a), 29.33 (2) (d), 29.50 (1) (e), 29.51 (3m) (b), 29.521 (1) (c) 2., 29.521 (2) (a), 29.521 (2) (c) 1., 29.53 (1) (c), 29.544 (3), 29.557 (3), 29.574 (3), 29.575 (3), 29.578 (4), 29.578 (5), 29.578 (14) (am), 29.578 (14) (b)

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* Section 991.11, WISCONSIN STATUTES 1995−96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

Vetoed In Part

(intro.), 29.598 (7m) (a), 29.62 (1), 36.05 (3), 36.05 (9), 36.09 (1) (e), 36.09 (1) (h), 36.09 (1) (j), 36.11 (8e), 36.11 (16), 36.11 (21), 36.11 (22) (a) (intro.), 36.11 (22) (a) 1. c., 36.11 (22) (a) 2., 36.11 (22) (b), 36.11 (22) (c), 36.11 (22) (d), 36.12 (1), 36.12 (2) (a) (intro.), 36.12 (2) (a) 3., 36.12 (2) (a) 4., 36.12 (3) (a), 36.17 (2), 36.25 (26), 36.27 (2) (a) 1. to 6., 36.27 (2) (c), 36.27 (2) (cm), 36.27 (2) (d), 36.30, 36.43 (4), 36.46 (1) (a), 36.51 (2), 36.51 (3), 36.51 (4), 36.51 (5), 36.51 (6), 36.51 (7), 36.51 (8), 38.12 (8) (b), 38.28 (1m) (a) 2., 38.28 (2) (b) 2., 38.28 (4), 39.41 (2) (a), 39.41 (2) (b), 39.41 (2) (c), 39.41 (4) (a), 39.41 (5) (a) 1., 40.02 (30), 40.02 (48) (am), 40.02 (48) (c), 40.02 (57), 40.08 (1), 40.32 (3), 40.51 (8), 40.51 (8m), 44.71 (2) (e), 45.25 (1), 45.25 (3) (a), 45.25 (3) (am), 45.25 (3) (b) 4., 45.25 (4) (a), 45.351 (1), 45.74 (7), 46.10 (1), 46.10 (2), 46.10 (14) (b), 46.21 (5) (b), 46.247, 46.27 (7) (am), 46.27 (11) (c) 3., 46.40 (2m) (a), 48.01 (1) (a), 48.01 (1) (gg), 48.21 (5) (b), 48.27 (3) (a) 2., 48.27 (6), 48.355 (2) (b) 6., 48.355 (2c) (a) (intro.), 48.355 (2c) (a) 1., 48.355 (2c) (b), 48.357 (2r), 48.363 (1m), 48.365 (1), 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (a), 48.365 (2m) (ag), 48.38 (3), 48.38 (4) (a), 48.38 (4) (bm), 48.38 (4) (e), 48.38 (4) (f) 1., 48.38 (4) (f) 3., 48.38 (4) (g), 48.38 (5) (b), 48.38 (5) (c) 1., 48.38 (5) (c) 4., 48.38 (5) (c) 5., 48.38 (5) (c) 6. (intro.), a., b. and c., 48.38 (5) (c) 7., 48.38 (6) (c), 48.415 (1) (a) (intro.), 48.415 (1) (a) 1., 48.415 (1) (a) 1m., 48.415 (1) (a) 2., 48.415 (2) (b) 1., 48.415 (2) (b) 2., 48.415 (2) (c), 48.42 (2g) (b), 48.425 (1) (c), 48.425 (1) (d), 48.427 (1m), 48.561 (3) (a), 48.66 (1), 48.66 (2), 48.66 (2m), 48.685 (1) (a), 48.685 (1) (b), 48.685 (2) (a) (intro.), 48.685 (2) (ad), 48.685 (2) (am) (intro.), 48.685 (2) (am) 5., 48.685 (2) (b) 1. (intro.), 48.685 (2) (b) 1. e., 48.685 (2) (bg), 48.685 (2) (c), 48.685 (3) (a), 48.685 (3) (b), 48.685 (3m), 48.685 (5c) (a), 48.685 (5c) (b), 48.685 (5c) (c), 48.685 (5g), 48.685 (5m), 48.685 (6) (a), 48.685 (6) (b), 48.685 (7) (a), 48.685 (8), 48.69, 48.72, 48.977 (2) (f), 49.145 (2) (i), 49.155 (1m) (b) (intro.), 49.175 (1) (w) 2., 49.22 (2m) (a), 49.32 (10m) (a), 49.45 (6v) (b), 49.45 (6v) (c), 49.45 (18) (b) 6., 49.775 (2) (intro.), 49.81 (2), 49.855 (3), 49.855 (4m) (b), 49.855 (4m) (c), 50.01 (1) (b), 50.01 (1g) (intro.), 50.01 (3) (intro.), 50.01 (4m), 50.01 (4o), 50.01 (6), 50.04 (5) (a) 1., 2. and 3. (intro.), 50.04 (5) (a) 6., 50.065 (1) (b), 50.065 (1) (c) (intro.), 50.065 (1) (c) 3., 50.065 (2) (a) (intro.), 50.065 (2) (am) (intro.), 50.065 (2) (b) 1. (intro.), 50.065 (2) (bg), 50.065 (2) (c), 50.065 (3) (a), 50.065 (3) (b), 50.065 (3m), 50.065 (5) (intro.), 50.065 (5m), 50.065 (6) (a), 50.065 (6) (b), 50.065 (7) (a), 50.095 (3) (intro.), 50.095 (3) (b), 50.095 (3) (c), 50.095 (4), 50.33 (2) (c), 50.35, 50.49 (6) (a), 50.49 (6) (b), 50.49 (10), 50.50 (3) (a) 6., 50.50 (6), 50.52 (2) (c) 3., 51.038, 51.04, 51.20 (7) (am), 51.30 (4) (a), 51.42 (7) (b) 11. (intro.), 51.421 (3) (a), 51.45 (8) (a), 51.45 (8) (e), 51.45 (8) (f), 55.06 (6), 55.06 (9) (b), 59.25 (3) (f) 2., 59.40 (2) (m), 59.52 (4) (a) 18., 59.56 (4), 60.23 (25), 60.79 (2) (c), 62.50 (17) (title), 62.50 (19), 62.50 (21), 66.03 (2) (a), 66.184, 66.432 (1), 66.432 (2), 66.46 (4) (h) 1., 66.46 (4) (h) 2., 66.46 (5) (c), 66.46 (5) (ce), 66.46 (6) (a), 66.46 (6) (am) 2. b., 66.46 (6) (dm) 1., 66.46 (6) (dm) 3. b., 66.46 (6) (dm) 4., 66.46 (7) (am), 66.51 (1) (a), 67.05 (5) (b), 70.11 (intro.), 70.35 (1), 70.35 (2), 70.365, 70.375 (6), 70.45, 70.47 (3) (b), 70.47 (7) (a), 70.47 (9) (a), 71.01 (6) (m), 71.01 (7r), 71.02 (1), 71.04 (1) (a), 71.05 (6) (a) 12., 71.05 (22) (f) 3., 71.06 (1m) (a), 71.06 (1m) (b), 71.06 (1m) (c), 71.06 (2) (c) 1., 71.06 (2) (c) 2., 71.06 (2) (c) 3., 71.06 (2) (d) 1., 71.06 (2) (d) 2., 71.06 (2) (d) 3., 71.07 (3s) (b), 71.07 (3s) (c) 5., 71.08 (1) (intro.), 71.125 (2), 71.22 (4) (m), 71.22 (4m) (k), 71.26 (2) (b) 13., 71.26 (3) (y), 71.28 (3) (c) 5., 71.34 (1g) (m), 71.365 (1m), 71.42 (2) (L), 71.45 (2) (a) 13., 71.47 (3) (c) 5., 71.83 (1) (d) 2., 71.83 (3), 71.91 (5) (f), 71.92 (2), 73.03 (50), 73.06 (3), 73.09 (7) (a), 73.09 (7) (e), 73.12 (1) (b), 76.03 (1), 76.81, chapter 77 (title), 77.51 (4) (a) (intro.), 77.51 (9) (e), 77.51 (15) (a) (intro.), 77.52 (2) (a) 2., 77.52 (2) (a) 5., 77.52 (13), 77.53 (10), 77.60 (9), 77.62 (1) (intro.), 77.82 (1) (a) 1., 77.995, 78.70 (1) (intro.), 79.03 (3) (b) 3., 79.03 (3) (b) 4. (intro.), 84.06 (2) (a), 93.01 (10), 95.60 (3), 101.01 (11), 101.01 (12), 101.127, 101.13 (title), 102.17 (1) (c), 102.17 (1) (cg), 102.27 (2) (a), 103.005 (10), 103.275 (2) (b) (intro.), 103.275 (2) (bg), 103.275 (7) (b), 103.275 (7) (c), 103.91 (2) (b), 103.92 (1) (b), 103.92 (3), 104.07 (1), 104.07 (2), 104.07 (4), 105.06 (1m), 105.13 (1), 106.04 (6) (a) 3., 106.04 (6) (b), 109.01 (2), 109.01 (3), 109.12 (1) (a), 109.12 (1) (b), 109.12 (2), 109.12 (3), 111.322 (2m) (a), 111.322 (2m) (b), 111.70 (1) (nc) 1. b., 111.70 (1) (nc) 1. c., 115.31 (title), 115.76 (10), 115.81 (1) (b), 115.81 (3) (a) and (b) (intro.) and 2. b., 115.81 (4) (intro.) and (a) (intro.) and 4., 115.81 (4) (b) 2. and 4., 116.01, 116.032 (1), 118.125 (4), 118.192 (title), 118.192 (1), 118.192 (2), 118.192 (3), 118.55 (1), 118.55 (5) (a), 120.12 (17), 120.13 (2) (g), 121.15 (1m) (a) 1., 121.15 (1m) (a) 2., 121.15 (1m) (a) 3., 121.15 (3m) (b), 121.15 (3m) (c), 121.90 (2), 121.91 (3) (a), 121.91 (3) (c), 139.03 (2x) (c), 139.03 (4), 139.315 (3), 139.39 (6), 146.40 (3), 146.40 (3m), 146.40 (4m), 146.40 (4r) (am), 146.50 (5) (a), 146.50 (5) (b), 146.50 (5) (g), 146.50 (6) (a) (intro.), 146.50 (6) (b) 1., 146.50 (6) (c) (intro.), 146.50 (6g) (a), 146.50 (7), 146.50 (8) (a), 146.50 (8) (b), 146.50 (8) (c), 146.50 (8) (f), 149.115, 153.60 (1), 153.75 (1) (k), 170.12 (8) (title), 185.981 (4t), 185.983 (1) (intro.), 196.218 (3) (a) 4., 196.218 (3) (f), 196.218 (4r) (b), 196.218 (4r) (c) 1., 2., 3. and 4., 196.218 (4r) (e), 196.218 (4r) (g), 196.218 (5) (a) 7., 217.09 (4), 217.09 (6), 218.04 (5) (b), 218.05 (12) (b), 218.05 (12) (e), 218.11 (7) (b), 218.12 (2) (am) 2., 218.12 (5), 218.22 (4) (b), 218.32 (4) (b), 218.41 (2) (a), 218.41 (5) (d), 218.51 (3) (a), 218.51 (5) (b), 227.44 (8), 230.05 (8), 230.08 (2) (cm), 230.08 (2) (fc), 230.08 (2) (fp), 230.12 (1) (a) 1. b., 230.12 (3) (e), 230.12 (5) (d), 230.80 (3) (b), 233.04 (7) (g), 233.17 (2) (a), 250.05 (5), 250.05 (6), 250.05 (8), 252.23 (2), 252.23 (4) (a), 252.24 (2), 252.24 (4) (a), 254.176 (1), 254.176 (3) (intro.), 254.176 (5), 254.20 (2) (d), 254.20 (4), 254.20 (7), 254.47 (1), 254.47 (2m), 254.61 (5) (f), 255.08 (2) (a), 255.08 (2) (b), 281.48 (3) (a), 281.58 (6) (b) 5., 281.58 (13) (b) (intro.), 281.58 (13) (d), 281.58 (13) (e) (intro.),

Vetoed In Part

281.59 (3) (a) 6., 281.59 (3e) (a) 1., 281.59 (3e) (e), 281.60 (5), 281.60 (8) (a) (intro.), 281.60 (10), 281.99 (2) (a) 1., 292.15 (2) (a) (intro.), 292.15 (4) (intro.), 292.15 (7) (c), 292.55 (2), 301.08 (2) (d) 5., 301.26 (2) (b), 301.26 (4) (d) 1., 301.26 (4) (d) 1m., 301.26 (4) (dt), 301.26 (4) (e), 301.26 (4) (ed), 301.26 (4) (eg), 301.26 (4) (g), 301.45 (7) (a), 301.46 (4) (a) 5., 304.06 (1) (d) 1., 304.06 (1) (f), 341.51 (4g), 342.12 (4) (a), 342.12 (4) (b), 342.12 (4) (c) 1. (intro.), 343.05 (1) (a), 343.10 (5) (a) 3., 343.23 (2) (b), 343.237 (3) (intro.), 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.30 (1q) (b) 5., 343.305 (10) (b) 3., 343.305 (10) (b) 4., 343.305 (10) (b) 5., 343.305 (10m), 343.31 (3) (bm) 3., 343.31 (3) (bm) 4., 343.31 (3) (bm) 5., 343.62 (2) (b), 343.665 (title), 343.675 (title), 343.69, 345.26 (1) (b) 1., 345.37 (2), 345.37 (5), 345.47 (1) (intro.), 345.47 (1) (b), 345.47 (1) (c), 345.49 (1), 345.61 (2) (c), 346.17 (2), 346.49 (1) (a) and (b), 346.49 (2), 346.49 (2m) (b), 346.495 (1), 346.65 (2) (b), 346.65 (2) (c), 346.65 (2) (d), 346.65 (2) (e), 346.65 (2c), 346.65 (2j) (b), 346.65 (2j) (c), 346.65 (2w), 346.65 (6) (a) 1., 346.65 (6) (a) 2., 346.65 (6) (a) 2m., 346.65 (6) (d), 348.27 (9m) (a) 3., 350.12 (3j) (b), 350.12 (3m) (a), 350.12 (4) (b) 1., 350.12 (4) (bm) 1., 440.08 (4) (a), 441.07 (2), 442.12 (7), 443.11 (6), 443.12 (4), 445.13 (2), 446.05 (2), 447.07 (5), 449.07 (3), 452.12 (6) (e) (intro.), 452.18, 455.09 (3), 456.11 (1) and (2), 560.17 (5c) (b), 560.183 (3) (b), 560.183 (5) (a), 560.183 (5) (b) (intro.), 560.184 (3) (b), 560.184 (5) (a), 560.184 (5) (b) (intro.), subchapter III (title) of chapter 560 [precedes 560.41], 560.605 (1) (e) 3., 560.615 (title), 565.05 (1) (intro.), 565.05 (1) (a), 565.17 (5) (a), 601.42 (1g) (d), 609.01 (2), 609.01 (3), 609.01 (4), 609.05 (1), 609.05 (2), 609.05 (3), 609.10 (1) (a), 609.15 (1) (intro.), 609.15 (1) (a), 609.15 (1) (b), 609.15 (2) (a), 609.15 (2) (b), 609.17, 609.20 (intro.), 609.20 (1), 609.20 (2), 609.20 (4), 609.65 (1) (intro.), 609.65 (1) (a), 609.65 (1) (b) (intro.), 609.65 (1) (b) 1., 609.65 (1) (b) 2., 609.65 (2), 609.65 (3), 609.655 (1) (a) 1., 609.655 (1) (a) 2., 609.655 (1) (c), 609.655 (2), 609.655 (3) (intro.), 609.655 (3) (a), 609.655 (3) (b) (intro.), 609.655 (3) (b) 1., 609.655 (4) (a), 609.655 (4) (b), 609.655 (5) (a), 609.655 (5) (b), 609.70, 609.75, 609.77, 609.78, 609.79, 609.80, 609.81, 609.91 (1) (intro.), 609.91 (1) (b) 2., 609.91 (1) (b) 3., 609.91 (1m), 609.91 (2), 609.91 (3), 609.91 (4) (intro.), 609.91 (4) (a), 609.91 (4) (b), 609.91 (4) (c), 609.91 (4) (cm), 609.91 (4) (d), 609.92 (5), 609.94 (1) (b), 628.10 (2) (b), 628.10 (2) (d), 628.34 (3) (a), 632.7495 (1) (a), 632.895 (11) (a) (intro.), 632.895 (12) (b) (intro.), 632.897 (4) (d) (intro.), 633.15 (2) (a) (title), 633.15 (2) (a) 1., 633.15 (2) (a) 2., 633.15 (2) (a) 3., 633.15 (2) (b) 1. (intro.), 645.69 (1), 645.69 (2), 646.31 (1) (d) 8., 646.31 (1) (d) 9., 701.06 (5) (intro.), 753.075 (3) (a), 758.19 (6) (b), 758.19 (6) (d) (intro.), 767.32 (1) (b) 4., 767.32 (2r), 767.32 (2s), 779.14 (2) (a) 2., 779.14 (2) (a) 3., 779.14 (2) (am) 2. c., 788.01, 859.07 (2), 880.33 (2) (a) 3., 880.331 (8), 895.515 (1) (b), 895.65 (1) (b) 2., 938.21 (5) (b), 938.27 (3) (a) 2., 938.27 (6), 938.296 (6), 938.33 (4m) (intro.), 938.33 (4m) (b), 938.355 (2) (b) 6., 938.355 (2c) (a) (intro.), 938.355 (2c) (a) 1., 938.355 (2c) (b), 938.357 (2r), 938.357 (5m), 938.36 (1) (a), 938.36 (2), 938.363 (1m), 938.365 (1), 938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365 (2m) (a), 938.365 (2m) (ag), 938.38 (3) (intro.), 938.38 (4) (a), 938.38 (4) (bm), 938.38 (4) (e), 938.38 (4) (f) 1., 938.38 (4) (f) 3., 938.38 (4) (g), 938.38 (5) (b), 938.38 (5) (c) 1., 938.38 (5) (c) 4., 938.38 (5) (c) 5., 938.38 (5) (c) 6. (intro.), 938.38 (5) (c) 6. a., 938.38 (5) (c) 7., 938.38 (6) (c), 939.74 (2) (c), 940.09 (1d), 940.25 (1d) and 950.06 (2); ***to repeal and recreate*** 20.143 (1) (c), 20.215 (1) (b), 20.370 (5) (cq), 36.09 (1) (e), 40.25 (7) (g), 40.31 (1), 40.32 (1), 40.51 (12), 48.235 (8), 48.415 (9m) (b), 48.561 (3) (a), 49.665 (1) (d), 49.855 (3), 49.855 (4m) (b), 49.855 (4m) (c), 50.04 (5) (a) 5., 70.47 (2), 70.47 (3) (a), 71.78 (4) (o), 77.61 (5) (b) 10., 78.73 (1) (dm), 138.09 (1m) (b), 138.09 (3) (am), 138.12 (3) (d), 138.12 (5) (am), 153.60 (1), 170.12 (3) (em), 170.12 (8) (b), 217.05 (1m), 218.01 (2) (ie), 218.01 (2) (ig), 218.01 (3) (ag), 218.01 (3) (am), 218.02 (2) (a) 2., 218.04 (3) (a), 218.04 (4) (am), 218.05 (3) (am), 218.05 (4) (c), 218.05 (11), 218.11 (2) (a), 218.11 (2) (am), 218.21 (2m), 218.31 (1m), 218.41 (2) (am), 218.51 (3) (am), 224.72 (2) (c), 224.72 (5) (b), 224.72 (7m), 299.08 (1) (b), 301.12, 343.305 (6) (e), 343.61 (2), 343.64 (2), 440.08 (4) (b), 551.32 (1) (bm), 551.34 (1m), 562.05 (1c), 562.05 (7) (am), 562.05 (8m), chapter 609 (title), 609.01 (1d), 609.01 (5), 609.01 (6), 609.82, 628.095, 628.097 (title), 632.68 (2) (b) (intro.), 632.68 (2) (b) 2., 632.68 (2) (e), 632.68 (4) (b), 632.68 (4) (c), 633.15 (1m), 938.30 (6), 938.31 (7) and 950.06 (2); ***to create*** 13.92 (3), 14.11 (2) (am), 16.22 (2) (kL), 20.143 (1) (jc), 20.245 (2) (bj), 20.255 (2) (fk), 20.255 (3) (c), 20.285 (1) (ft), 20.320 (1) (y), 20.370 (5) (ac), 20.370 (6) (at), 20.370 (6) (cq), 20.370 (9) (hs), 20.395 (5) (qt), 20.410 (3) (g), 20.410 (3) (gg), 20.435 (1) (dg), 20.435 (3) (pm), 20.435 (5) (er), 20.435 (7) (bb), 20.445 (3) (pv), 20.455 (5) (kk), 20.465 (3) (c), 20.465 (4), 20.505 (4) (fm), 20.566 (3) (b), 20.835 (1) (e), 20.923 (4g), 20.923 (6) (gm), 20.923 (14) (b), 21.25, 21.26, 25.32, 25.43 (1) (ae), 25.43 (2) (ae), 28.11 (5m) (a) 1. and 2., 29.09 (11r), 29.138 (5r), 29.514 (1) (c), 29.522, 29.598 (3) (cm), 29.598 (7m) (ae), 30.103, 36.05 (14), 36.54 (2) (f), 40.02 (17) (m), 40.51 (13), 40.65 (4v), 46.036 (3) (g), 48.27 (3) (a) 1m., 48.355 (2b), 48.355 (2d), 48.38 (4) (fm), 48.415 (1) (a) 1r., 48.417, 48.42 (2g) (am), 48.43 (1) (d), 48.57 (3m) (ar), 48.66 (2m) (am), 48.66 (2m) (bm), 48.66 (2m) (cm), 48.685 (1) (bg), 48.685 (1) (d), 48.685 (5) (bm), 48.715 (7), 48.75 (1m), 49.155 (1m) (bm), 49.155 (1m) (c) 1g. and 1h., 49.22 (2r), 49.22 (3m), 49.45 (2) (a) 24., 49.45 (6v) (d), 49.46 (1m), 49.855 (2p), 50.01 (1e), 50.01 (1s), 50.01 (1t), 50.01 (1w), 50.01 (2m), 50.01 (5r), 50.01 (6v), 50.02 (2) (bm), 50.02 (2) (bn), 50.035 (10), 50.04 (2) (d), 50.04 (2v) (b), 50.04 (4) (d), 50.04 (5) (fm), 50.04 (5) (fr), 50.065 (1) (am), 50.065 (1) (c) 6., 50.065 (1) (cm), 50.065 (2) (am) 5., 50.065 (2) (b) 1. e., 50.095 (3) (am), 50.095 (3m), 50.33 (1g), 50.498, 50.50 (1m), 50.56 (4), 51.032, 62.50 (17) (b), 66.46 (4) (h) 3., 66.46 (6) (dm) 1m., 66.46 (6) (dm) 5., 66.46 (7) (ar), 70.109, 70.11 (39), 70.36 (1m), 70.46 (4), 70.47 (3) (ag),

(ah), (ak), (aL) and (ar), 70.47 (6m), 70.47 (6r), 70.47 (7) (ac), (ad), (ae) and (af), 70.47 (8) (g), (h) and (i), 70.995 (12r), 71.05 (6) (b) 28., 71.05 (22) (f) 4., 71.07 (9) (b) 2., 71.17 (6), 73.03 (52), 73.03 (54) and (55), 73.0301, 73.0302, 73.09 (6m), 73.09 (7m), 74.35 (2m), 77.51 (4) (cm), 77.51 (15) (cm), 77.52 (3m), 77.54 (20) (bg), 77.54 (20m), 78.01 (2) (e), 79.095, 84.185 (1) (bm), 84.185 (3), 94.69 (2), 95.60 (7), 101.02 (20), 101.132, 101.143 (6s), 102.17 (1) (cr), 102.33 (2) (b) 6., 103.05 (4) (b), 103.275 (2) (br), 103.91 (4) (c), 103.92 (7), 104.07 (6), 105.13 (3), 106.04 (9) (d), 109.01 (1r), 109.075, 109.09 (2) (b) 2., 111.70 (1) (fm), 111.91 (2) (p), 111.91 (2) (q), 115.31 (6m), 115.405, 115.42, 118.19 (1m), 118.30 (1g) (c), 118.30 (1m) (a) 2., 118.30 (1m) (am) 2., 118.30 (5), 118.30 (6), 120.115 (1) (a), 121.06 (4), 138.09 (4) (c), 138.12 (4) (a) 1., 138.12 (4) (b) 5., 146.40 (4d), 146.52, 149.14 (6) (b) 1., 149.146 (1) (b) 1., 150.31 (2r), 166.03 (1) (b) 7., 166.03 (2) (b) 9., 170.12 (3m), 196.218 (1) (bm), 217.06 (5), 217.09 (1r), 218.02 (2) (a) 1. a. and b., 218.02 (3) (d), 218.02 (6) (c), 218.02 (9) (a) 1., 218.04 (5) (ar), 218.05 (12) (ar), 218.11 (6m) (b), 218.12 (3m) (b), 218.21 (2) (am), 218.22 (3m) (b), 218.31 (1) (am), 218.32 (3m) (b), 218.41 (3m) (b), 218.51 (4m) (b), 224.77 (7), 227.03 (7m), 250.05 (8m), 252.241, 254.115, 281.58 (3) (b), 281.58 (6) (b) 5m., 281.58 (13) (be), 281.58 (13) (bs), 281.58 (13) (cm), 281.58 (13) (em), 281.65 (8b), 299.07, 301.03 (14), 301.03 (18), 304.06 (1) (d) 3g., 304.06 (1) (eg), 341.10 (7r), 341.135, 341.26 (2g), 341.51 (4) (ar), 341.51 (4m) (b), 343.085 (2) (c), 343.16 (1) (d), 343.20 (1) (e) 3., 343.665 (2), 343.675 (2), 345.28 (4) (i), 345.285, 346.17 (2m), 346.177, 346.49 (1g), 346.49 (2m) (am), 350.12 (3j) (e), 440.12, 456.10 (1) (d), 560.145, 560.147, 560.183 (6m) (b), 560.184 (6m) (b), 560.615 (1) (title), 560.615 (2m), 560.615 (3), 560.615 (4) (title), 562.05 (5) (a) 10., 562.05 (8) (e), 563.285, 563.80 (2), 609.01 (1c), 609.01 (1g), 609.01 (3c), 609.01 (3m), 609.01 (3r), 609.01 (4m), 609.22, 609.24, 609.30, 609.32, 609.34, 609.36, 609.38, 609.82, 609.83, 609.84, 628.097 (1) (a) (title), 628.097 (1) (b), 628.097 (2) (a) (title), 628.097 (2) (b), 628.10 (2) (cm), 632.68 (2) (bc) 2., 632.68 (2) (bm) 2., 632.68 (2) (cm) 2., 632.68 (3) (b) 2., 632.68 (4) (bc) 2., 632.68 (4) (bm) 2., 632.68 (5) (b) 2., 632.7495 (4), 632.853, 632.855, 632.895 (11) (c) 2., 632.895 (11) (d), 632.895 (11) (e), 632.895 (12) (d), 633.14 (2) (d), 633.14 (2c) (b), 633.14 (2m) (b), 633.15 (2) (d), 751.15, 758.19 (6) (e), 779.14 (1) (title), 779.14 (1e) (title), 779.14 (1e) (b), 779.14 (1m) (title), 779.14 (1m) (c) and (d), 779.14 (1m) (e) (title), 779.14 (1s), 779.14 (2) (title), 779.14 (3) (title), 893.98, 895.56, 938.235 (8) (b), (c), (d) and (e), 938.27 (3) (a) 1m., 938.355 (2b), 938.355 (2d), 938.38 (4) (fm), 939.74 (2) (cm) and 950.04 (1v) (nn) of the statutes; and ***to affect*** 1997 Wisconsin Act 27, section 94m, 1997 Wisconsin Act 27, section 158m, 1997 Wisconsin Act 27, section 1164g, 1997 Wisconsin Act 27, sections 4315p, 4315r and 4315s, 1997 Wisconsin Act 27, section 9123 (10g) (a), 1997 Wisconsin Act 27, section 9124 (2c), 1997 Wisconsin Act 27, section 9132 (1xyg), 1997 Wisconsin Act 27, section 9132 (2g), 1997 Wisconsin Act 27, section 9137 (4eq) (a), 1997 Wisconsin Act 27, section 9143 (2e), 1997 Wisconsin Act 27, section 9143 (7k), 1997 Wisconsin Act 27, section 9256 (3x) (a) 2., 1997 Wisconsin Act 27, section 9256 (3x) (b) 2., 1997 Wisconsin Act 27, section 9256 (3x) (c) 2., 1997 Wisconsin Act 27, section 9256 (3x) (d), 1997 Wisconsin Act 27, section 9256 (3x) (e), 1997 Wisconsin Act 27, section 9437 (7eq), 1997 Wisconsin Act 27, section 9453 (2m), 1997 Wisconsin Act 68, section 13 (intro.), 1997 Wisconsin Act 113, section 40 and 1997 Wisconsin Act 119, section 5 (1); **relating to:** creating a compensation plan for certain senior executive positions at the University of Wisconsin System; transferring from the department of workforce development to the department of commerce the administration of the housing design and construction requirements of the fair housing law; wage claim enforcement; providing an exception to the law prohibiting discrimination in public places of accommodation to permit a domestic abuse services organization to provide separate services for persons of different sexes and to provide for separate treatment of persons based on sex with regard to the provision of those services; exempting multilevel multifamily housing without elevators from the multifamily housing accessibility law; employer notification of employes, retirees and dependents of cessation of health care benefits; a Wisconsin promise challenge grant program; a grant for a distance education center; a grant for a business conference center; grants for revolving loan funds for economic development; loans for renovation of buildings, purchase of land, buildings, machinery or equipment or construction of buildings; a grant for historic theatre renovation; tourism marketing; the rural economic development program; grants for supplier training and a technology transfer program; administration of brownfields redevelopment activities; use of penalty revenues under the physician and health care provider loan assistance programs; transferring from the department of health and family services to the department of corrections the responsibility for establishing and collecting fees for juvenile correctional services provided by the department of corrections; compensation to counties for providing crime victim and witness services; parental liability for guardian ad litem fees in juvenile court proceedings; payments to counties for guardian ad litem fees; increasing the per diem payments made to temporary reserve judges; time limits for prosecution of crimes against children; allowing victims to attend and make statements at parole interviews or hearings; requirements for promotion from 4th grade to 5th grade and from 8th grade to 9th grade; responsibility for providing a free appropriate public education to children with disabilities; grants to teachers who are certified by the National Board for Professional Teaching Standards; creating a grant program for peer review and mentoring of teachers; counting of suspensions, conviction and revocations related to driving while intoxicated and ignition interlock devices; determining the amount appropriated

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as general school aid; the family practice residency program of the Medical College of Wisconsin, Inc.; grants to certain school districts for telecommunications access awarded by the technology for educational achievement in Wisconsin board; the issuance of alternative teaching permits and teaching licenses; the Wisconsin Humanities Council; funding for the Wisconsin sesquicentennial commission; court reporter fees; changing the name of the 2−year campuses in the University of Wisconsin System; administrative expenses of the environmental education board; revising dispute settlement procedures in local government employment other than law enforcement and fire fighting employment; training services provided by the department of employment relations; the nonpoint source water pollution abatement program; classifying state probation and parole officers as protective occupation participants for the purposes of the Wisconsin retirement system; the dry cleaner environmental response program; immunity from liability for handling petroleum−contaminated soil on a highway improvement project; deadlines for the land recycling loan program; hazardous waste disposal facilities; voluntary party liability for cleaning up property that is contaminated with hazardous substances and that was acquired from a local governmental unit; petroleum discharge cleanups; tire waste cleanup; a study of landfill cleanups; arbitration of appeals under the petroleum storage remedial action program; soil and water resource management; funding for a nonpoint source water pollution abatement project; clean water fund program federal financial hardship assistance; the authority of the department of agriculture, trade and consumer protection to prohibit the use of atrazine in a specified area in the town of North Lancaster, Grant County; administrative forfeitures for violations of safe drinking water rules; a grant to the Milwaukee Public Museum; providing community aids funding for Milwaukee County; the contribution required of Milwaukee County for child welfare services provided in Milwaukee County; child welfare, children in out−of−home care, termination of parental rights and adoption; criminal history and abuse record searches of operators, employes and nonclient residents of certain entities that provide care for children or adults; a child's first book initiative; prohibitions on funding for pregnancy programs, projects or services that conduct abortion−related activities; proposed legislation to establish a new long−term care system for services to elderly and adult disabled individuals; authorizing increase of the statewide nursing home bed limit for the partial conversion of a hospital; minimum daily hours of service in nursing homes for certain nursing home residents; requirements for nursing home reports; requesting an audit; assessing hospitals and ambulatory surgery centers for costs, after July 1, 1999, of collection of health care data; a pilot project for management of long−term care programs; violations of statutes and rules by nursing homes; authorizing counties to contract for health and social services on a prepaid or postpaid, per capita basis; care required and provided in adult family homes, community−based residential facilities and nursing homes; critical access hospitals; prohibiting reimbursement of the Marquette University School of Dentistry for providing dental services in the Southside Guadalupe Dental Clinic and requiring reimbursement for providing dental services in any other clinic in the city of Milwaukee; inclusion of stepparents in the badger care program; the submittal date for a report on the future of the state centers for the developmentally disabled; eliminating the monthly reimbursement limit on community options program services for medical assistance recipients; transferring medical assistance funds to the community options program because of decreased nursing home bed utilization; neonatal intensive care unit training grants; medical assistance eligibility for working recipients of supplemental security income; supplemental payments to supplemental security income recipients; medical assistance outreach; eliminating the requirement for an annual report on access to obstetric and pediatric services under the medical assistance program; interim assistance for applicants of supplemental security income; provision of information necessary for the administration of child support and economic support programs; specialized medical vehicles; electronic benefits transfer under the food stamp program; issuing new and redesigned registration plates for certain vehicles registered by the department of transportation; highway lighting for certain USH 10 interchanges; county administration of public assistance records; exempting certain health insurance policies from coverage requirements related to temporomandibular disorders treatment and certain charges for dental care; placing a limit on coverage of temporomandibular disorders treatment; allowing a prior authorization requirement for treatment of temporomandibular disorders; disclosure and use of information about newly hired employes for delinquent tax collection purposes; guaranteed renewability of individual health benefit plans; an exemption from renewability requirements for short−term insurance; requirements for managed care plans; coverage of prescription drugs and devices; limited coverage of experimental treatment; modification to eligibility for coverage under the health insurance risk−sharing plan without preexisting condition exclusion; the transportation and sale of fish; private fishing preserves; fish farms; hunting of small game in state parks; fees collected for certain fishing approvals issued by the Lac du Flambeau band of the Lake Superior Chippewa; the Southeastern Wisconsin Fox River commission; fees for snowmobile trail use stickers; the wildlife damage abatement and wildlife damage claim program; the transportation facilities economic assistance program; snowmobile trail maintenance aids; county forest administrator grants; eligibility for the managed forest land program; identification of the ordinary high−water mark of certain lakes; benefits payable and contributions permitted under the Wisconsin retirement system; payment and

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performance assurance requirements for public works projects; state interfund borrowing limitations; transfers from the general fund to the property tax relief fund; a plan to adjust appropriations to the department of transportation to eliminate any projected deficit in the transportation fund; grants for recycling of computers and wheelchairs; studying the future of the Wisconsin School for the Visually Handicapped; creating an individual income tax deduction for amounts paid for certain higher education costs; the penalty provision for premature sales or transfers of business assets or assets used in farming that were received from family members; taxation of nonresident gambling winnings at Native American casinos in Wisconsin; offsetting an individual's manufacturer's sales tax credit against the individual's alternative minimum tax liability; lowering the vidual income tax rates; division of town sanitary district assets and indiliabilities; disciplinary procedures for law enforcement officers in 1st class cities; changing the income tax standard deduction for dependents; Menominee County management review issues; the income tax and franchise tax credit for sales taxes paid on fuel and electricity used in manufacturing; the mining tax; using certain surpluses in the general fund to fund a change in the school property tax credit; defining the Internal Revenue Code for state income and franchise tax purposes; a property tax exemption for computers; creating a sales tax and use tax exemption for admissions to county fairs; state aid payments to municipalities; changes to the financing of certain tax incremental districts; a motor vehicle fuel tax exemption; a sales tax and use tax exemption for certain commodities; board of review procedures; discontinuing the property tax exemption for nuclear shelters; information on tax warrants; liability for sales taxes; property tax procedures; the motor vehicle rental fee; the sales tax exemption for auctions; the sales tax on calling cards; creating a tax amnesty program; increasing the department of revenue's ability to collect delinquent taxes; the food that is subject to the sales tax; denying, suspending and revoking licenses and similar documents to persons who owe delinquent taxes or fail to reveal their social security numbers or federal employer identification numbers; discontinuation of the adult entertainment tax; issuing regular operator's licenses to drivers licensed to operate certain noncommercial vehicles in another country; weight limitations for vehicles and combinations of vehicles transporting bulk potatoes; traffic regulations at railroad crossings; specific information signs along STH 172; installing traffic control signals in the city of Greenfield; the transportation infrastructure loan program; law enforcement agency access to photographs of applicants for operators' licenses and identification cards; directional signs along I 39 for the Korean War Memorial; an alternative traffic violation and registration pilot program; administration of a national guard youth program; helicopter support services; the maximum allowable veterans home loan; transferring employes at the legislative reference bureau into the unclassified service of the state; the touring exhibit of the Wisconsin state capitol; subsistence grants to veterans; retention of special counsel to prosecute certain actions with respect to the boundaries of the Indian reservations located in this state and the rights of non−Indians owning property within those reservations; repealing the repeal of the pharmacy internship board; renaming the integrated legislative information system staff; release to certain persons of the address of a Wisconsin works participant; participation of cooperative educational service agencies in educational telecommunications access program; occupational taxes imposed on bingo receipts; grants to private schools under the educational telecommunications access program; contributions to the universal service fund by certain telecommunications utilities; changing conflict of interest provisions and lottery participation restrictions that affect certain employes of the department of revenue; breast cancer screening; allocation of space in the state capitol for the capitol press corps; administration of vaccines by pharmacists; granting rule−making authority; providing an exemption from emergency rule procedures; providing an exemption from rule−making procedures; granting and decreasing bonding authority; making and decreasing appropriations; and providing penalties.

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

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

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

SECTION 1m. 13.48 (2) (f) of the statutes is amended to read:

13.48 **(2)** (f) The building commission may allocate funds from the state building trust fund or other sources available to them to equip any university of Wisconsin system ~~center~~ college campus, as defined in s. 36.05 (6m), if the facilities have been provided by the counties or other units of local government under s. 66.51 or 67.04 and the operation of the ~~center~~ college campus has been approved by the board of regents of the university of Wisconsin system.

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

13.63 **(1)** LICENSES. An application for a license to act as a lobbyist may be obtained from and filed with the board. An applicant shall include his or her social security number on the application. The application shall be signed, under the penalty for making false statements

under s. 13.69 (6m), by the lobbyist. Upon approval of the application and payment of the applicable license fee under s. 13.75 (1) or (1m) to the board, the board shall issue a license which entitles the licensee to practice lobbying on behalf of each registered principal who or which has filed an authorization under s. 13.65 for that lobbyist and paid the authorization fee under s. 13.75 (4). The license shall expire on December 31 of each even-numbered year. The board shall not issue a license to an applicant who does not provide his or her social security number. The board shall not issue a license to an applicant or shall revoke any license issued to a lobbyist if the department of revenue certifies to the board that the applicant or lobbyist is liable for delinquent taxes under s. 73.0301. No application may be disapproved by the board except an application for a license by a person who is ineligible for licensure under this subsection or s. 13.69 (4) or an application by a lobbyist whose license has been revoked under this subsection or s. 13.69 (7) and only for the period of such ineligibility or revocation. Denial of a license on the basis of a certification by the department of revenue may be reviewed under s. 73.0301. Denial of any other license may be reviewed under ch. 227.

SECTION 4c. 13.90 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

13.90 **(1)** (intro.) The joint committee on legislative organization shall be the policy-making board for the legislative reference bureau, the revisor of statutes bureau, the legislative fiscal bureau, the legislative audit bureau and the ~~integrated~~ legislative ~~information system staff~~ technology services bureau. The committee shall:

SECTION 4e. 13.90 (1m) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

13.90 **(1m)** (a) In this subsection, "legislative service agency" means the legislative council staff, the legislative audit bureau, the legislative fiscal bureau, the legislative reference bureau, the revisor of statutes bureau and the ~~integrated~~ legislative ~~information system staff~~ technology services bureau.

SECTION 4g. 13.90 (8) of the statutes is amended to read:

13.90 **(8)** The joint committee on legislative organization may designate a joint committee or another body within the legislative branch to oversee the provision of information technology support and services by the ~~integrated~~ legislative ~~information system staff~~ technology services bureau.

SECTION 4hm. 13.92 (2) (a) of the statutes is amended to read:

13.92 **(2)** (a) Employ ~~under the classified service, and~~, supervise and train the personnel assigned to the chief.

SECTION 4hp. 13.92 (3) of the statutes is created to read:

13.92 **(3)** TREATMENT OF CERTAIN LEGISLATIVE REFERENCE BUREAU EMPLOYES. Notwithstanding s. 230.08 (2) (fc), those employes holding positions in the classified service at the legislative reference bureau on the day before the effective date of this subsection .... [revisor inserts date], who have achieved permanent status in class before that date, shall retain, while serving in the unclassified service at the legislative reference bureau, those protections afforded employes in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff or reduction in base pay. Such employes shall also have reinstatement privileges to the classified service as provided under s. 230.33 (1). Those employes of the legislative reference bureau holding positions in the classified service on the day before the effective date of this subsection .... [revisor inserts date], who have not achieved permanent status in class in any position at the legislative reference bureau on that date are eligible to receive the protections, privileges and rights preserved under this subsection if they successfully complete service equivalent to the probationary period required in the classified service for the position which they hold on that date.

SECTION 4im. 13.96 (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

13.96 (title) **~~Integrated legislative information system staff~~ Legislative technology services bureau.** (intro.) There is created a service agency known as the "~~Integrated~~ Legislative ~~Information System Staff~~ Technology Services Bureau", headed by a director. The ~~integrated~~ legislative ~~information system staff~~ technology services bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the data and information originated, maintained or processed by electronic equipment supported by it.

SECTION 4j. 13.96 (1) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

13.96 **(1)** DUTIES OF THE STAFF. The ~~integrated~~ legislative ~~information system staff~~ technology services bureau shall provide and coordinate information technology support and services to the legislative branch.

SECTION 4k. 13.96 (2) (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

13.96 **(2)** DUTIES OF THE DIRECTOR. (intro.) The director of the ~~integrated~~ legislative ~~information system staff~~ technology services bureau shall:

SECTION 4L. 13.96 (2) (c) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

13.96 **(2)** (c) Supervise all expenditures of the ~~integrated~~ legislative ~~information system staff~~ technology services bureau.

SECTION 4m. 13.96 (2) (f) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

13.96 **(2)** (f) Participate in such midwest and national meetings and organizations as will benefit the operations of the ~~integrated~~ legislative ~~information system staff~~ technology services bureau.

Vetoed In Part

SECTION 4n. 14.11 (2) (am) of the statutes is created to read:

14.11 **(2)** (am) The governor shall employ special counsel for the following purposes:

1. To prosecute an action seeking a judgment, in a court of competent jurisdiction, declaring the legal boundaries of any Indian reservation located within this state, whenever a substantial question exists concerning the location of such boundaries and the public interest requires resolution of that question.

2. To seek a declaratory judgment in a court of competent jurisdiction, whenever the public interest so requires, to ensure that the civil and property rights, under the constitution and laws of the United States and of this state, of non−Indians who own property within the exterior boundaries of any Indian reservation located within this state are respected.

SECTION 4q. 15.01 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

15.01 **(2)** "Commission" means a 3−member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the Wisconsin waterways commission which shall consist of 5 members, the parole commission which shall consist of ~~5~~ 6 members and the Fox river management commission which shall consist of 7 members. A Wisconsin group created for participation in a continuing interstate body, or the interstate body itself, shall be known as a "commission", but is not a commission for purposes of s. 15.06. The parole commission created under s. 15.145 (1) shall be known as a "commission", but is not a commission for purposes of s. 15.06.

SECTION 4r. 15.145 (1) of the statutes is amended to read:

15.145 **(1)** PAROLE COMMISSION. There is created in the department of corrections a parole commission consisting of ~~5~~ 6 members. Members shall have knowledge of or experience in corrections or criminal justice. The members shall include a chairperson who is nominated by the governor, and with the advice and consent of the senate appointed, for a 2−year term expiring March 1 of the odd−numbered years, subject to removal under s. 17.07 (3m), and ~~4~~ 5 members in the classified service appointed by the chairperson.

SECTION 4s. 15.67 (1) (a) 5. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

15.67 **(1)** (a) 5. One undergraduate student enrolled at least half−time and in good academic standing at an institution ~~or center~~ within the University of Wisconsin System who is at least 18 years old and a resident of this state.

SECTION 4t. 15.91 of the statutes is amended to read:

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

SECTION 4w. 16.22 (2) (kL) of the statutes is created to read:

16.22 **(2)** (kL) From the appropriation under s. 20.505 (4) (fm), award Wisconsin promise challenge grants and provide training and technical assistance under 1997 Wisconsin Act .... (this act), section 9101 (1z) (b) and (h).

SECTION 4x. 16.22 (2) (kL) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 17m. 16.835 of the statutes is amended to read:

16.835 (title) **Offices and rooms in capitol.** The office of the governor shall be located in the capitol. The attorney general, lieutenant governor and supreme court shall each keep a room in the capitol. The circular room on the 2nd floor of the capitol located between the assembly and senate chambers shall be made available for the use of the capitol press corps.

SECTION 17p. 16.847 (1) (b) of the statutes is amended to read:

16.847 **(1)** (b) "State facilities" means all property owned and operated by the state for the purpose of carrying out usual state functions, including each ~~center and~~ institution within the university of Wisconsin system.

SECTION 17r. 16.974 (7) (a) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

16.974 **(7)** (a) Subject to s. 196.218 (4r) (f), coordinate with the technology for educational achievement in Wisconsin board to provide school districts, cooperative educational service agencies and technical college districts with telecommunications access under s. 196.218 (4r) and contract with telecommunications providers to provide such access.

SECTION 19m. 19.42 (13) (c) of the statutes is amended to read:

19.42 **(13)** (c) All positions identified under s. 20.923 (2), (4), (4g), (4m), (6) (f) to (h) and (8) to (10), except clerical positions.

SECTION 20. 19.55 (2) (d) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

19.55 **(2)** (d) Records of the social security number of any individual who files an application for licensure as a lobbyist under s. 13.63, except to the department of workforce development for purposes of administration of s. 49.22 or to the department of revenue for purposes of administration of s. 73.0301.

SECTION 20L. 19.85 (1) (d) of the statutes is amended to read:

19.85 **(1)** (d) Except as provided in s. 304.06 (1) (eg) and by rule promulgated under s. 304.06 (1) (em), considering specific applications of probation or parole, or considering strategy for crime detection or prevention.

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

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

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

				1997–98	1998–99	
20.245	**Historical society**					
(2)	HISTORIC SITES					
(bj)	H.H. Bennett Studios	GPR	A	–0–	35,700	
20.255	**Public instruction, department of**					
(2)	AIDS FOR LOCAL EDUCATIONAL PROGRAMMING					
(fk)	Grant program for peer review and mentoring	GPR	A	–0–	500,000	
20.285	**University of Wisconsin System**					
(1)	UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE					
(ft)	Wisconsin Humanities Council	GPR	A	–0–	50,000	
20.370	**Natural resources, department of**					
(5)	CONSERVATION AIDS					
(ac)	Resource aids — Milwaukee Public Museum	GPR	A	–0–	450,000	
(6)	ENVIRONMENTAL AIDS					
(at)	Environmental aids — rural nonpoint practices	SEG	A	–0–	425,000	
(cq)	Environmental aids — vapor recovery grants	SEG	C	727,000	–0–	
20.395	**Transportation, department of**					
(5)	MOTOR VEHICLE SERVICES AND ENFORCEMENT					
(qt)	Wisconsin sesquicentennial commission supplement	SEG	B	–0–	–0–	
20.435	**Health and family services, department of**					
(1)	HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; STATE OPERATIONS					
(dg)	Health care information; physician encounter data	GPR	A	–0–	250,000	
(5)	HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; AIDS AND LOCAL ASSISTANCE					
(er)	Neonatal intensive care unit training grants	GPR	C	–0–	170,000	
(7)	SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE					**Vetoed**
(bb)	Community options program supplement	GPR	C	–0–	–0–	**In Part**
20.465	**Military affairs, department of**					
(3)	EMERGENCY MANAGEMENT SERVICES					

(c)	Helicopter support services	GPR	A	−0−	150,000
(4)	NATIONAL GUARD YOUTH PROGRAMS				
(b)	Badger Challenge program	GPR	A	−0−	330,000
(c)	Youth Challenge program	GPR	A	−0−	700,000
20.505	**Administration, department of**				
(4)	ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS				
(fm)	National and community service board; Wisconsin promise challenge grants	GPR	C	−0−	424,000
20.566	**Revenue, department of**				
(3)	ADMINISTRATIVE SERVICES AND SPACE RENTAL				
(b)	Integrated tax system technology	GPR	A	−0−	2,000,000

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

20.143 **(1)** (c) *Wisconsin development fund; grants, loans, reimbursements and assistance.* ~~Biennially~~ As a continuing appropriation, the amounts in the schedule for grants under s. 560.615; for grants and loans under ss. 560.62, 560.63 and 560.66; for grants under s. 560.145; for loans under s. 560.147; for grants under s. 560.16; for reimbursements under s. 560.167; for providing assistance under s. 560.06; for the loan under 1997 Wisconsin Act 27, section 9110 (7f); and for the grants under 1995 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), ~~and~~ 1997 Wisconsin Act 27, section 9110 (6g), and 1997 Wisconsin Act .... (this act), section 9110 (1) and (2f). Of the amounts in the schedule, $50,000 shall be allocated in each of fiscal years 1997−98, 1998−99 and 1999−2000 for providing the assistance under s. 560.06. Notwithstanding s. 560.62 (4), of the amounts in the schedule, $125,000 shall be allocated in each of 4 consecutive fiscal years, beginning with fiscal year 1998−99, for grants and loans under s. 560.62 (1) (a).

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

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

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

20.143 **(1)** (ie) *Wisconsin development fund, repayments.* All moneys received in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.147, s. 560.16, 1995 stats., s. 560.165, 1993 stats., subch. V of ch. 560 except s. 560.65, 1989 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m), 1989 Wisconsin Act 336, section 3015 (3gx), and 1997 Wisconsin Act 27, section 9110 (7f), to be used for grants and loans under subch. V of ch. 560 except s. 560.65, for loans under s. 560.147, for grants under s. 560.16, for the loan under 1997 Wisconsin Act 27, section 9110 (7f), and for reimbursements under s. 560.167.

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

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

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

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

SECTION 27p. 20.215 (1) (b) of the statutes is amended to read:

20.215 **(1)** (b) *State aid for the arts.* The amounts in the schedule for grants−in−aid or contract payments to groups, individuals, organizations and institutions by the arts board under s. 44.53 (1) (f) and (2) (a) ~~and~~, for grants and loans related to arts incubators under s. 44.60 and for the grant under 1997 Wisconsin Act .... (this act), section 9105 (1n) (a).

SECTION 27r. 20.215 (1) (b) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

20.215 **(1)** (b) *State aid for the arts.* The amounts in the schedule for grants−in−aid or contract payments to groups, individuals, organizations and institutions by the arts board under s. 44.53 (1) (f) and (2) (a) and for grants and loans related to arts incubators under s. 44.60.

SECTION 27w. 20.245 (2) (bj) of the statutes is created to read:

20.245 **(2)** (bj) *H.H. Bennett Studios.* The amounts in the schedule for the operation of the H.H. Bennett Studios.

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

20.255 **(2)** (ac) *General equalization aids.* A sum sufficient for the payment of educational aids under ss. 121.08, 121.09 and 121.105 and subch. VI of ch. 121 equal to $3,318,488,800 in the 1997−98 fiscal year, equal to $3,460,133,800 in the 1998−99 fiscal year and equal to the amount determined by the joint committee on finance under s. 121.15 (3m) (c) in each fiscal year thereafter, less the amount appropriated under par. (bi).

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

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

SECTION 29m. 20.255 (2) (q) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.255 **(2)** (q) *General equalization aids; property tax relief fund.* From the property tax relief fund, for the payment of educational aids under ss. 121.08, 121.09 and 121.105 and subch. VI of ch. 121, in the ~~1997−98 fiscal year a sum sufficient equal to the amount transferred to the property tax relief fund under 1997 Wisconsin Act 27, section 9256 (3x) (c) 2., and in the~~ 1998−99 fiscal year a sum sufficient equal to the ~~sum of the amounts~~ amount transferred to the property tax relief fund under 1997 Wisconsin Act ~~27~~, section 9256 (3x) (d) 2. and (e) 2. .... (this act), section 9256 (1k).

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

20.255 **(3)** (c) *National teacher certification.* A sum sufficient for payments to teachers who are certified by the National Board for Professional Teaching Standards under s. 115.42.

SECTION 30L. 20.275 (1) (s) (title) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.275 **(1)** (s) (title) *Educational telecommunications access support; school districts, cooperative educational service agencies and technical college districts.*

SECTION 30m. 20.275 (1) (tm) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.275 **(1)** (tm) *Educational telecommunications access support; private schools.* Biennially, from the universal service fund, the amounts in the schedule to make payments to telecommunications providers under contracts with the department of administration under s. 16.974 (7) (c) to the extent that the amounts due are not paid from the appropriation under s. 20.505 (1) (is) and, prior to July 1, 2002, to make grants to private schools under s. 196.218 (4r) (g).

SECTION 30p. 20.285 (1) (ft) of the statutes is created to read:

20.285 **(1)** (ft) *Wisconsin Humanities Council.* The amounts in the schedule for the Wisconsin Humanities Council.

SECTION 30q. 20.285 (1) (h) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.285 **(1)** (h) *Auxiliary enterprises.* Except as provided under par. (gm) and subs. (5) (i) and (6) (g), all moneys received by the university of Wisconsin system for or on account of any housing facility, commons, dining halls, cafeteria, student union, athletic activities, stationery stand or bookstore, parking facilities or car fleet, or such other auxiliary enterprise activities as the board designates and including such fee revenues as allocated by the board and including such moneys received under leases entered into previously with nonprofit building corporations as the board designates to be receipts under this paragraph, to be used for the operation, maintenance and capital expenditures of activities specified in this paragraph, including the transfer of funds to pars. (kd) and (ke) and to nonprofit building corporations to be used by the corporations for the retirement of existing indebtedness and such other payments as may be required under existing loan agreements, and for optional rental payments in addition to the mandatory rental payments under the leases and subleases in connection with the providing of facilities for such activities. A separate account shall be maintained for each campus~~, the center system~~ and extension. Upon the request of the extension or any ~~institution or center~~ campus within the system, the board of regents may transfer surplus moneys appropriated under this paragraph to the appropriation account under par. (kp).

SECTION 30qm. 20.285 (1) (ha) of the statutes is amended to read:

20.285 **(1)** (ha) *Stores.* All moneys received for the operation of a university stores division at any campus~~, center system~~ or extension, to be used for the operation of a university stores division at any campus~~, for the center system~~ or for extension, and to permit sales from these stores divisions to other divisions of the university, any agency of the state, local government or federal government, or to university related activities, and to permit cooperation between the stores divisions and any board, commission or department of state, local or federal government and the university. A separate account shall be maintained for each stores division operated pursuant to this paragraph, and funds in these accounts shall not be commingled.

SECTION 30r. 20.285 (1) (rc) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 30s. 20.285 (2) (h) of the statutes is amended to read:

20.285 **(2)** (h) (title) *University of Wisconsin ~~center~~ college campus at Medford.* Of the amounts appropriated to the board of regents of the university of Wisconsin system under sub. (1) (a), the board of regents may pay to the Taylor county board of supervisors, for outstanding debt service costs on the university of Wisconsin ~~center~~ college campus at Medford facilities, up to $24,500 annually until the facilities are sold or an alternative use for the facilities is found. Payments shall be made on a schedule and in the manner the board determines. If the facilities are sold or an alternative use for the facilities is found, the Taylor county board of supervisors shall repay to the state all amounts received under this paragraph.

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

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

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

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

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

20.370 **(2)** (da) *Waste tire removal and recovery programs; program activities.* A sum sufficient, not to exceed the amount lapsed from the appropriation account under s. 20.370 (2) (dj), 1995 stats., on June 30, 1997, plus $638,600 for waste tire grant payments under 1997 Wisconsin Act 27, section 9137 (4eq), and tire dump nuisance abatement under s. 289.55.

SECTION 33m. 20.370 (5) (ac) of the statutes is created to read:

20.370 **(5)** (ac) *Resource aids — Milwaukee Public Museum.* From the general fund, the amounts in the schedule for a grant to the Milwaukee Public Museum to develop a permanent interactive exhibit gallery on biological diversity. No moneys may be encumbered from this appropriation after June 30, 1999.

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

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

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

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

SECTION 35p. 20.370 (6) (at) of the statutes is created to read:

20.370 **(6)** (at) *Environmental aids — rural nonpoint practices.* From the conservation fund, the amounts in the schedule for assistance under s. 281.65 for rural nonpoint source cropland practices that were installed in 1997.

SECTION 35q. 20.370 (6) (at) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

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

20.370 **(6)** (br) *Environmental aids — waste reduction and recycling demonstration grants.* From the recycling fund, as a continuing appropriation, the amounts in the schedule for waste reduction and recycling demonstration grants under s. 287.25 and the grants required under 1997 Wisconsin Act .... (this act), section 9136 (2f).

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

20.370 **(6)** (cq) *Environmental aids — vapor recovery grants.* From the petroleum inspection fund, as a continuing appropriation, the amounts in the schedule for grants under s. 285.31 (5), 1995 stats.

SECTION 37b. 20.370 (6) (cq) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

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

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

SECTION 38d. 20.370 (9) (hs) of the statutes is created to read:

20.370 **(9)** (hs) *Approval fees from Lac du Flambeau band.* All moneys received from the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.138 (5r), to be paid to the band to be used for fishery management within the reservation, as defined in s. 29.138 (1) (b).

SECTION 38f. 20.395 (2) (gj) of the statutes, as created by 1997 Wisconsin Act 135, is amended to read:

20.395 **(2)** (gj) *Railroad crossing protection installation and maintenance, state funds.* All moneys received from railroad crossing improvement assessments required under ss. 346.177, 346.495 and 346.65 (4r), for the purpose of railroad crossing protection installation and maintenance under s. 195.28 (2) and (3).

SECTION 38g. 20.395 (5) (qt) of the statutes is created to read:

20.395 **(5)** (qt) *Wisconsin sesquicentennial commission supplement.* Biennially, the amounts in the schedule for the general program operations of the Wisconsin sesquicentennial commission under s. 14.26. The secretary of transportation shall transfer from the appropriation account under this paragraph to the appropriation account under s. 20.525 (1) (k) the amounts shown in the schedule for this paragraph.

SECTION 38gm. 20.395 (5) (qt) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

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

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

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

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

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

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

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

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

SECTION 42c. 20.435 (1) (bm) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.435 **(1)** (bm) *Medical assistance administration.* Biennially, the amounts in the schedule to provide the state share of administrative contract costs for the medical assistance program under ss. 49.45 and 49.665 ~~and~~, to reimburse insurers for their costs under s. 49.475 and for costs associated with outreach activities. No state positions may be funded in the department of health and family services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the medical assistance program between the subunit of the department primarily responsible for administering the medical assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under sub. (5) (bc) and (p).

SECTION 42d. 20.435 (1) (dg) of the statutes is created to read:

20.435 **(1)** (dg) *Health care information; physician encounter data.* The amounts in the schedule for collection under ch. 153 of physician encounter data from health care providers.

SECTION 42e. 20.435 (1) (dg) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

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

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

SECTION 43m. 20.435 (5) (er) of the statutes is created to read:

20.435 **(5)** (er) *Neonatal intensive care unit training grants.* As a continuing appropriation, the amounts in the schedule for neonatal intensive care unit training grants under 1997 Wisconsin Act .... (this act), section 9122 (3ty).

SECTION 43n. 20.435 (5) (er) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

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

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

Vetoed In Part

SECTION 44L. 20.435 (7) (bb) of the statutes is created to read:

20.435 **(7)** (bb) *Community options program supplement.* All moneys transferred under s. 49.45 (6v) (c) from the appropriation account under sub. (5) (b) for increasing funding for the community options program under s. 46.27.

SECTION 44m. 20.435 (7) (ed) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.435 **(7)** (ed) *State supplement to federal supplemental security income program.* A sum sufficient for payments of supplemental grants to supplemental security income recipients under s. 49.77 and, except as provided in 1997 Wisconsin Act .... (this act), section 9122 (4e) (a), for payments for the support of children of supplemental security income recipients under s. 49.775.

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

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

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

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

SECTION 46L. 20.455 (5) (kj) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.455 **(5)** (kj) *Victim payments, victim surcharge.* The amounts in the schedule for the payment of compensation and funeral and burial expenses awards to the victims of crimes under ch. 949. All moneys transferred from the appropriation account under par. (g) shall be credited to this appropriation account. If the department of justice determines that the total of the amounts in this appropriation account and the amounts for compensation and awards to victims of crime under ch. 949 in the appropriation accounts under pars. (b), (h), (i) and (m) exceeds the amount needed to fully fund compensation and awards to victims of crimes under ch. 949, the department of justice may transfer moneys from this appropriation account to the appropriation account under par. (kk). The amount transferred to the appropriation account under par. (kk) may not exceed the amount by which the total amounts appropriated under this paragraph and pars. (b), (h), (i) and (m) for compensation and awards to victims of crimes under ch. 949 exceed the amount needed to fully fund compensation and awards to victims of crimes under ch. 949.

SECTION 46m. 20.455 (5) (kk) of the statutes is created to read:

20.455 **(5)** (kk) *Reimbursement to counties for providing victim and witness services.* All moneys transferred from the appropriation account under par. (kj) for the purpose of reimbursing counties under s. 950.06 for costs incurred in providing services to victims and witnesses.

SECTION 46r. 20.465 (3) (c) of the statutes is created to read:

20.465 **(3)** (c) *Helicopter support services.* The amounts in the schedule for the provision of aid to the sheriff under s. 166.03 (2) (b) 9.

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

20.465 **(4)** NATIONAL GUARD YOUTH PROGRAMS. (b) *Badger Challenge program.* The amounts in the schedule for operation of the Badger Challenge program under s. 21.25.

(c) *Youth Challenge program.* The amounts in the schedule for operation of the Youth Challenge program under s. 21.26.

(g) *Program fees.* All moneys received from fees collected under s. 21.25 (2) for administering the Badger Challenge program.

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

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

SECTION 48g. 20.505 (4) (fm) of the statutes is created to read:

20.505 **(4)** (fm) *National and community service board; Wisconsin promise challenge grants.* As a continuing appropriation, the amounts in the schedule for grants, training and technical assistance under 1997 Wisconsin Act .... (this act), section 9101 (1z) (b) and (h).

SECTION 48h. 20.505 (4) (fm) of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 48m. 20.512 (1) (i) of the statutes is amended to read:

20.512 **(1)** (i) *Services to nonstate governmental units.* The amounts in the schedule for the purpose of funding personnel ~~testing~~ services to nonstate governmental units under s. 230.05 (8), including services provided under ss. 49.33 (5) and 59.26 (8) (a). All moneys received from the sale of these services shall be credited to this appropriation.

SECTION 48r. 20.525 (1) (k) of the statutes is amended to read:

20.525 **(1)** (k) (title) *Wisconsin sesquicentennial commission; supplementing gifts ~~and~~, grants and transfers.* All moneys transferred from the appropriation under s. 20.865 (4) (c) and all moneys transferred from the appropriation under s. 20.395 (5) (qt) for the general program operations of the Wisconsin sesquicentennial commission under s. 14.26.

SECTION 48s. 20.525 (1) (k) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed.

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

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

SECTION 50t. 20.566 (3) (b) of the statutes is created to read:

20.566 **(3)** (b) *Integrated tax system technology.* The amounts in the schedule for technology expenses necessary to create an integrated tax system.

SECTION 51m. 20.765 (3) (em) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.765 **(3)** (em) (title) *~~Integrated legislative information system staff~~ Legislative technology services bureau.* For the ~~integrated~~ legislative ~~information system staff~~ technology services bureau, biennially, the amounts in the schedule for general program operations under s. 13.96.

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

20.835 **(1)** (e) *State aid; computers.* Beginning in 2000, a sum sufficient to make the state aid payments under s. 79.095.

SECTION 54c. 20.865 (1) (c) of the statutes is amended to read:

20.865 **(1)** (c) *Compensation and related adjustments.* A sum sufficient to supplement the appropriations to state agencies for the cost of compensation and related adjustments approved by the legislature under s. 111.92 for represented employes and by the joint committee on employment relations under s. 230.12 and by the legislature, when required, for nonrepresented employes in the classified service and comparable adjustments for nonrepresented employes in the unclassified service, except those nonrepresented employes specified in ss. 20.923 (4g), (5) and (6) (c) and (m) and 230.08 (2) (d) and (f), as determined under s. 20.928, other than adjustments funded under par. (cj). Unclassified employes included under s. 20.923 (2) need not be paid comparable adjustments.

SECTION 54g. 20.865 (1) (ci) of the statutes is amended to read:

20.865 **(1)** (ci) *Nonrepresented university system senior executive, faculty and academic pay adjustments.* A sum sufficient to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for ~~university~~ University of Wisconsin ~~system~~ System employes under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a

representative is certified under subch. V of ch. 111, as determined under s. 20.928, other than adjustments funded under par. (cj).

SECTION 54L. 20.865 (1) (i) of the statutes is amended to read:

20.865 **(1)** (i) *Compensation and related adjustments; program revenues.* From the appropriate program revenue and program revenue−service accounts, a sum sufficient to supplement the appropriations to state agencies for the cost of compensation and related adjustments approved by the legislature under s. 111.92 for represented employes and by the joint committee on employment relations under s. 230.12 and the legislature, when required for nonrepresented employes in the classified service and comparable adjustments for nonrepresented employes in the unclassified service, except those nonrepresented employes specified in ss. 20.923 (4g), (5) and (6) (c) and (m) and 230.08 (2) (d) and (f), as determined under s. 20.928, other than adjustments funded under par. (cj). Unclassified employes included under s. 20.923 (2) need not be paid comparable adjustments.

SECTION 54p. 20.865 (1) (ic) of the statutes is amended to read:

20.865 **(1)** (ic) *Nonrepresented university system senior executive, faculty and academic pay adjustments.* From the appropriate program revenue and program revenue−service accounts, a sum sufficient to supplement the appropriations to the ~~university~~ University of Wisconsin ~~system~~ System to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for ~~university~~ University of Wisconsin ~~system~~ System employes under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V of ch. 111, as determined under s. 20.928, other than adjustments funded under par. (cj).

SECTION 54t. 20.865 (1) (s) of the statutes is amended to read:

20.865 **(1)** (s) *Compensation and related adjustments; segregated revenues.* From the appropriate segregated funds, a sum sufficient to supplement the appropriations to state agencies for the cost of compensation and related adjustments approved by the legislature under s. 111.92 for represented employes and by the joint committee on employment relations under s. 230.12 and the legislature, when required for nonrepresented employes in the classified service and comparable adjustments for nonrepresented employes in the unclassified service, except those nonrepresented employes specified in ss. 20.923 (4g), (5) and (6) (c) and (m) and 230.08 (2) (d) and (f), as determined under s. 20.928. Unclassified employes under s. 20.923 (2) need not be paid comparable adjustments.

SECTION 54x. 20.865 (1) (si) of the statutes is amended to read:

20.865 **(1)** (si) *Nonrepresented university system senior executive, faculty and academic pay adjustments.* From the appropriate segregated funds, a sum sufficient to supplement the appropriations to the ~~university~~ University of Wisconsin ~~system~~ System to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for ~~university~~ University of Wisconsin ~~system~~ System employes under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V of ch. 111, as determined under s. 20.928.

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

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

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

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

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

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

SECTION 57b. 20.923 (4) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.923 **(4)** STATE AGENCY POSITIONS. (intro.) State agency heads, the administrator of the division of merit recruitment and selection in the department of employment relations~~,~~ and commission chairpersons and members ~~and higher education administrative positions~~ shall be identified and limited in number in accordance with the standardized nomenclature contained in this subsection, and shall be assigned to the executive salary groups listed in pars. (a) to ~~(j)~~ (i). Except for positions specified in par. (c) 3m. and sub. (12), all unclassified division administrator positions enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint committee on employment relations, by the secretary of employ-

ment relations to one of ~~the~~ 10 executive salary groups ~~listed in pars. (a) to (j)~~. The joint committee on employment relations, by majority vote of the full committee, may amend recommendations for initial position assignments and changes in assignments to the executive salary groups submitted by the secretary of employment relations. All division administrator assignments and amendments to assignments of administrator positions approved by the committee shall become part of the compensation plan. Whenever a new unclassified division administrator position is created, the appointing authority may set the salary for the position until the joint committee on employment relations approves assignment of the position to an executive salary group. If the committee approves assignment of the position to an executive salary group having a salary range minimum or maximum inconsistent with the salary paid to the incumbent at the time of such approval, the incumbent's salary shall be adjusted by the appointing authority to conform with the committee's action, effective on the date of that action. Positions are assigned as follows:

SECTION 57c. 20.923 (4) (e) 5m. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.923 **(4)** (e) 5m. Legislature, ~~integrated~~ legislative ~~information system staff~~ technology services bureau: director.

SECTION 57d. 20.923 (4) (j) of the statutes is repealed.

SECTION 57f. 20.923 (4g) of the statutes is created to read:

20.923 **(4g)** UNIVERSITY OF WISCONSIN SYSTEM SENIOR EXECUTIVE POSITIONS. A compensation plan consisting of 6 university senior executive salary groups is established for certain administrative positions at the University of Wisconsin System. The salary ranges for the university senior executive salary groups shall be contained in the recommendations of the secretary of employment relations under s. 230.12 (3) (e). The board of regents of the University of Wisconsin System shall set the salaries for these positions within the ranges to which the positions are assigned to reflect the hierarchical structure of the system, to recognize merit, to permit orderly salary progression and to recognize competitive factors. The salary of any incumbent in the positions identified in pars. (a) to (f) may not exceed the maximum of the salary range for the group to which the position is assigned. The positions are assigned as follows:

(a) The positions assigned to university senior executive group 1 are the chancellors at the University of Wisconsin System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior and Whitewater and the chancellors of the University of Wisconsin Colleges and the University of Wisconsin−extension.

(b) The position assigned to university senior executive group 2 is the vice chancellor who is serving as deputy at the University of Wisconsin−Milwaukee.

(c) The position assigned to university senior executive group 3 is the vice chancellor who is serving as deputy at the University of Wisconsin−Madison.

(d) The position assigned to university senior executive group 4 is the chancellor at the University of Wisconsin−Milwaukee.

(e) The position assigned to university senior executive group 5 is the chancellor at the University of Wisconsin−Madison.

(f) The position assigned to university senior executive group 6 is the president of the University of Wisconsin system.

SECTION 57h. 20.923 (4m) of the statutes is amended to read:

20.923 **(4m)** (title) UNIVERSITY OF WISCONSIN ~~SYSTEM~~ SYSTEM EXECUTIVE POSITIONS. The board of regents of the ~~university~~ University of Wisconsin ~~system~~ System shall set the salaries ~~of the president of the university of Wisconsin system at a point no higher than 15% above the maximum dollar value of the salary range for executive salary group 10, based on the competitive market for comparable positions at comparable institutions of higher education. The board shall set the salaries~~ of the vice presidents, ~~the chancellors of the university of Wisconsin system campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior and Whitewater, the chancellors of the university of Wisconsin−center system and the university of Wisconsin−extension, the vice chancellor for health sciences of the university of Wisconsin−Madison and~~ the vice chancellor who is serving as a deputy at each ~~university~~ University of Wisconsin campus, other than the University of Wisconsin−Madison and the University of Wisconsin−Milwaukee, and the ~~university~~ vice chancellors at the University of ~~Wisconsin−center system~~ Wisconsin Colleges and the ~~university~~ University of Wisconsin−extension to reflect the hierarchical structure of the system, to recognize merit, to permit orderly salary progression and to recognize competitive factors. No salary for a position ~~other than president~~ may be set at a point lower than the minimum dollar value of the salary range for executive salary group 7 nor at a point equal to or higher than the maximum dollar value of the salary range for executive salary group 10.

SECTION 57j. 20.923 (5) of the statutes is amended to read:

20.923 **(5)** (title) OTHER UNIVERSITY OF WISCONSIN ~~SYSTEM~~ SYSTEM ADMINISTRATIVE POSITIONS. The board of regents of the ~~university~~ University of Wisconsin ~~system~~ System shall assign the positions of associate and assistant vice presidents, vice chancellors not identified in

sub. (4g) or (4m), assistant chancellors, associate and assistant vice chancellors and administrative directors and associate directors of physical plant, general operations and services and auxiliary enterprises activities or their equivalent, of each ~~university~~ University of Wisconsin ~~system campus, the university of Wisconsin−center system~~ institution, the ~~university~~ University of Wisconsin−extension and the ~~university~~ University of Wisconsin ~~system~~ System administration to salary ranges. The salary for each such position is limited only by the maximum dollar value of the salary range to which the position is assigned. No position specified in this subsection may be assigned to a salary range having a maximum dollar value higher than the maximum dollar value of the salary range for executive salary group 6. The board of regents shall annually review the assignment of the positions specified in this subsection and report any changes therein to the governor and the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

SECTION 57jm. 20.923 (6) (bp) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.923 **(6)** (bp) ~~Integrated legislative information system staff~~ Legislative technology services bureau: staff employes.

SECTION 57k. 20.923 (6) (gm) of the statutes is created to read:

20.923 **(6)** (gm) Legislative reference bureau: all positions other than the chief.

SECTION 57L. 20.923 (14) of the statutes is renumbered 20.923 (14) (a).

SECTION 57n. 20.923 (14) (b) of the statutes is created to read:

20.923 **(14)** (b) Except as provided in s. 36.09 (1) (j), any adjustment of salary for an incumbent specified in sub. (4g) is governed by the provisions of the proposal concerning senior university executives, faculty and academic staff as approved by the joint committee on employment relations under s. 230.12 (3) (e).

SECTION 57p. 20.923 (15) (a) of the statutes is amended to read:

20.923 **(15)** (a) An incumbent of a position that has been assigned to an executive salary group of the compensation plan or to a university senior executive salary group under this section, whose current salary exceeds the maximum of the salary range to which his or her position's group is assigned, shall remain at his or her current rate of pay while he or she remains employed in that position until the maximum of the salary range to which his or her executive salary group or university senior executive salary group is assigned equals or exceeds his or her current rate of pay.

SECTION 57r. 20.923 (15) (b) of the statutes is amended to read:

20.923 **(15)** (b) Except for the positions identified in subs. ~~(4) (j)~~ (4g) and (4m), the pay of any incumbent whose salary is subject to a limitation under this section may not equal or exceed that amount paid the governor. ~~The pay of any incumbent in the position of president of the university of Wisconsin system, chancellor of the university of Wisconsin−Madison or chancellor of the university of Wisconsin−Milwaukee may not exceed the maximum dollar value of the salary range for the group to which the incumbent's position is assigned.~~

SECTION 57t. 20.923 (16) of the statutes is amended to read:

20.923 **(16)** OVERTIME AND COMPENSATORY TIME EXCLUSION. The salary paid to any person whose position is included under subs. (2), (4), (4g), (4m), (5) and (8) to (12) is deemed to compensate that person for all work hours. No overtime compensation may be paid, and no compensatory time under s. 103.025 may be provided, to any such person for hours worked in any workweek in excess of the standard basis of employment as specified in s. 230.35 (5) (a).

SECTION 57w. 20.9275 (2) (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.9275 **(2)** (intro.) No state agency or local governmental unit may authorize payment of funds of this state, of any local governmental unit or, subject to sub. (3m), of federal funds passing through the state treasury as a grant, subsidy or other funding that wholly or partially or directly or indirectly involves pregnancy programs, projects or services, ~~including~~ that is a grant, subsidy or other funding under s. 46.93, 46.995, 46.997, 253.05, 253.07, 253.08 or 253.085 or 42 USC 701 to 710, if any of the following applies:

SECTION 57x. 20.9275 (2) (a) (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.9275 **(2)** (a) (intro.) The pregnancy program, project or service using the state, local or federal funds does any of the following ~~using the state, local or federal funds~~:

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

21.25 Badger Challenge program. (1) The department of military affairs shall administer the Badger Challenge program for disadvantaged youth. The department of military affairs shall promulgate rules for administering the Badger Challenge program.

(2) The department of military affairs may assess and collect a reasonable fee from persons participating in the Badger Challenge program. Fees collected under this subsection shall be credited to the appropriation under s. 20.465 (4) (g).

SECTION 58g. 21.26 of the statutes is created to read:

21.26 Youth Challenge program. The department of military affairs shall administer the Youth Challenge program for disadvantaged youth under 32 USC 509.

SECTION 58m. 21.49 (1) (b) 1. of the statutes is amended to read:

21.49 **(1)** (b) 1. The extension division and any ~~center or~~ campus of the university of Wisconsin system.

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

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

SECTION 59m. 25.32 of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

SECTION 59n. 25.40 (1) (ij) of the statutes, as created by 1997 Wisconsin Act 135, is amended to read:

25.40 **(1)** (ij) All moneys forwarded by county treasurers from railroad crossing improvement assessments required under ss. 346.177, 346.495 and 346.65 (4r), as provided in s. 59.25 (3) (f) 2.

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

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

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

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

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

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

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

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

SECTION 63g. 28.11 (5m) of the statutes is renumbered 28.11 (5m) (a) (intro.) and amended to read:

28.11 **(5m)** (a) (intro.) The department may make grants, from the appropriation under s. 20.370 (5) (bw), to counties having lands entered under sub. (4) to fund ~~up to 50% of the salary of~~ all of the following for one professional forester in the position of county forest administrator or assistant county forest administrator~~.~~:

(b) The department may not make a grant under this subsection for a year for which the department has not approved the annual work plan that was approved by the county board under sub. (5) (b). The department may not base the amount of a county's grant on the acreage of the county's forest land.

SECTION 63r. 28.11 (5m) (a) 1. and 2. of the statutes are created to read:

28.11 **(5m)** (a) 1. Up to 50% of the forester's salary.

2. Up to 50% of the forester's fringe benefits, except that the fringe benefits may not exceed 40% of the forester's salary.

SECTION 63w. 29.01 (11d) of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

SECTION 64. 29.09 (11r) of the statutes is created to read:

29.09 **(11r)** DENIAL AND REVOCATION OF APPROVALS BASED ON TAX DELINQUENCY. (a) *Social security and identification numbers required.* The department shall require an applicant who is an individual to provide his or her social security number and an applicant who is not an individual to provide the applicant's federal employer identification number as a condition of applying for, or applying to renew, any of the following approvals:

1. A license issued under s. 29.134.
2. A wholesale fish dealer license issued under s. 29.135.
3. A taxidermist permit issued under s. 29.136 (2).
4. A bait dealer license issued under s. 29.137.
5. A guide license issued under s. 29.165.
6. A sport trolling license issued under s. 29.166.
7. A commercial fishing license issued under s. 29.33.
8. A net license issued under s. 29.34.
9. A slat net license issued under s. 29.343.
10. A trammel net license issued under s. 29.344.
11. A set or bank pole license issued under s. 29.36.
12. A setline license issued under s. 29.37.
13. A clamming license or permit issued under s. 29.38.
14. A fish farm permit issued under s. 29.521.

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

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

15. A wild rice dealer license issued under s. 29.544 (4) (b).
16. A wild ginseng dealer license issued under s. 29.547 (7).
17. A license issued under s. 29.573.
18. A game bird or animal farm license issued under s. 29.574.
19. A fur animal farm license issued under s. 29.575.
20. A deer farm license or a permit issued under s. 29.578.
21. A wildlife exhibit license issued under s. 29.585.

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

(c) *Disclosure of numbers.* The department of natural resources may not disclose any information received under par. (a) to any person except to the department of rev-

enue for the sole purpose of making certifications required under s. 73.0301.

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

SECTION 65. 29.134 (3) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

SECTION 66. 29.135 (3) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

SECTION 66e. 29.138 (3) (a) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

29.138 **(3)** (a) For any approval issued under this section, the band shall collect the same amount that would be collected for the equivalent approval under s. 29.092, including the issuing fee under s. 29.092 (15). The band shall retain all of the fees collected under this paragraph, except as provided in sub. (5r).

SECTION 66h. 29.138 (5r) of the statutes is created to read:

29.138 **(5r)** FEES TO THE DEPARTMENT. The department may require that the band remit all of the fees collected under sub. (3) (a) to the department. If the department so requires, all of these fees shall be deposited in the conservation fund and credited to the appropriation account under s. 20.370 (9) (hs).

SECTION 67. 29.33 (2) (d) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

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

29.50 **(1)** (e) The transportation and sale of farm−raised fish.

SECTION 68f. 29.51 (3m) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

29.51 **(3m)** (b) Paragraph (a) does not authorize the department of natural resources to remove fish or fish eggs from a self−contained fish rearing facility or from a preexisting fish rearing facility ~~that is barrier equipped and~~ that is an artificial body of water unless the department of agriculture, trade and consumer protection has requested that the department of natural resources remove the fish or fish eggs to address a problem affecting fish health.

SECTION 68m. 29.514 (1) (c) of the statutes is created to read:

29.514 **(1)** (c) The registrant held a private fish hatchery license under s. 29.52, 1995 stats., on December 31, 1997, that applied to the body of water being registered as a private fishing preserve.

SECTION 68s. 29.521 (1) (c) 2. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

29.521 **(1)** (c) 2. A preexisting fish rearing facility ~~that is barrier equipped~~.

SECTION 69. 29.521 (2) (a) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

29.521 **(2)** (a) The department, subject to s. 29.09 (11m) and (11r), shall issue a permit under this subsection for a natural body of water specified under sub. (1) (c) 1. if the department determines that no substantial public interest exists in the body of water and that no public or private rights in the body of water will be damaged.

SECTION 70. 29.521 (2) (c) 1. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

SECTION 70g. 29.522 of the statutes is created to read:

29.522 Barriers required for fish farms. No person may use any body of water as a fish farm or as part of a fish farm unless the body of water is equipped with barriers that prevent the passage of fish between it and the other waters of the state.

SECTION 70r. 29.53 (1) (c) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

29.53 **(1)** (c) "Waters of the state" does not include ~~self−contained fish rearing facilities or~~ preexisting fish rearing facilities ~~that are barrier equipped and~~ that are artificial bodies of water or self−contained fish rearing facilities.

SECTION 71. 29.544 (3) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

SECTION 71m. 29.557 (3) of the statutes is amended to read:

29.557 **(3)** A person may hunt deer ~~or~~, wild turkeys or small game in a state park, or in a portion of a state park, ~~designated by~~ if the department has authorized by rule~~, for that type of~~ the hunting of that type of game in the state park, or in the portion of the state park, and if the person holds the approvals required under this chapter for hunting that type of ~~hunting~~ game.

SECTION 73. 29.574 (3) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

SECTION 74. 29.575 (3) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

SECTION 76. 29.578 (4) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

(11m) and (11r) applies to the issuance of licenses under this subsection.

SECTION 77. 29.578 (5) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

SECTION 79. 29.578 (14) (am) of the statutes, as affected by 1997 Wisconsin Acts 35 and .... (Senate Bill 494), is amended to read:

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

SECTION 80. 29.578 (14) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

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

SECTION 82ac. 29.598 (3) (cm) of the statutes is created to read:

29.598 **(3)** (cm) *List of participants.* A county that administers the wildlife damage abatement program or the wildlife damage claim program shall maintain a list of participants in the program and shall make the list available for public inspection.

SECTION 82ad. 29.598 (7m) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

29.598 **(7m)** (a) *Requirements.* A person who receives wildlife damage abatement assistance or wildlife damage claim payments and any other person who owns, leases or controls the land where the wildlife damage occurred shall permit hunting of the type of wild animals causing the wildlife damage on that land and on contiguous land under the same ownership, lease or control, subject to par. (ae). In order to satisfy the requirement to permit hunting under this subsection, the land shall be open to hunting during the appropriate open season. The county, with the assistance of the department, shall determine the acreage of land suitable for hunting.

SECTION 82ae. 29.598 (7m) (ae) of the statutes is created to read:

29.598 **(7m)** (ae) *Conditions.* 1. A hunter may hunt on land covered by par. (a) only if the hunter notifies the landowner of his or her intent to hunt on the land.

2. A hunter may not bring a motor vehicle onto land covered by par. (a) without the permission of the landowner.

3. A hunter may not use a stand located on land covered by par. (a) without the permission of the landowner.

4. A landowner may deny a hunter access to land covered by par. (a) for reasonable cause, including any of the following:

a. The presence of at least 2 hunters per 40 acres of eligible land when the hunter notifies the landowner that he or she intends to hunt on the land.

b. The hunter appears to be intoxicated or unruly.

c. The hunter causes property damage.

d. The hunter fails to notify the landowner of his or her intent to hunt on the land or brings a motor vehicle onto the land without the permission of the landowner.

SECTION 82ag. 29.62 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

29.62 **(1)** The department may take rough fish by means of seines, nets or other devices, or cause rough fish to be taken, from any of the waters of this state, other than waters in a self−contained fish rearing facility or in a preexisting fish rearing facility ~~that is barrier equipped and~~ that is an artificial body of water.

SECTION 82aj. 30.103 of the statutes is created to read:

30.103 Identification of ordinary high−water mark by town sanitary district. A town sanitary district may identify the ordinary high−water mark of a lake that lies wholly within unincorporated territory and wholly within the town sanitary district. The department may not identify an ordinary high−water mark of a lake that is different than the ordinary high−water mark identified by a town sanitary district under this section.

SECTION 82am. 36.05 (3) of the statutes is amended to read:

36.05 **(3)** "Campus" means the publicly owned or leased buildings and grounds which comprise all or part of ~~a university, a center~~ an institution or the extension.

SECTION 82b. 36.05 (4) of the statutes is renumbered 36.05 (6m) and amended to read:

36.05 **(6m)** ~~"Center~~ "College campus" means any one of the 2−year collegiate campuses of the system.

SECTION 82c. 36.05 (9) of the statutes is amended to read:

36.05 **(9)** "Institution" means any university or an organizational equivalent designated by the board and the University of Wisconsin colleges.

SECTION 82d. 36.05 (14) of the statutes is created to read:

36.05 **(14)** "University of Wisconsin Colleges" means the college campuses as a whole.

SECTION 82eg. 36.09 (1) (e) of the statutes is amended to read:

36.09 **(1)** (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each ~~center~~ college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer; with the advice of the land information board; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employes and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 ~~(4)~~ (4g), (4m) and (5) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 ~~(4)~~ (4g), (4m) and (5) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be allowed or exercised in the appointment of the employes of the system.

SECTION 82er. 36.09 (1) (e) of the statutes, as affected by 1997 Wisconsin Acts 27 and .... (this act), is repealed and recreated to read:

36.09 **(1)** (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employes and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g), (4m) and (5) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g), (4m) and (5) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be allowed or exercised in the appointment of the employes of the system.

SECTION 82f. 36.09 (1) (h) of the statutes is amended to read:

36.09 **(1)** (h) The board shall allocate funds and adopt budgets for the respective institutions giving consideration to the principles of comparable budgetary support for similar programs and equitable compensation for faculty and academic staff with comparable training, experience and responsibilities and recognizing competitive ability to recruit and retain qualified faculty and academic staff. If the board ceases or suspends operation of any institution or ~~center~~ college campus, the appropriations to the board for operation of the institution or ~~center~~ college campus may be utilized by the board for any other purpose authorized by the appropriations within the period for which the appropriations are made.

SECTION 82fm. 36.09 (1) (j) of the statutes, as affected by 1997 Wisconsin Act 35, is amended to read:

36.09 **(1)** (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employes specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 ~~(4) (j) or~~ (4m) under this paragraph unless the salary increase conforms to the compensation plan for executive salary group positions as approved under s. 230.12 (3) (b) or the board authorizes the salary increase to correct a salary inequity or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4g) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct a salary inequity or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4g) to correct a salary inequity that results from the appointment of a person to a position identified in s. 20.923 (4g) unless the increase is approved by the department of employment relations. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the departments of administration and employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12−month period ending on the preceding June 30.

SECTION 82g. 36.11 (8e) of the statutes is amended to read:

36.11 **(8e)** PARKING FEES. The board shall direct each institution ~~and center~~ within the system to charge a parking fee for the parking of motor vehicles by students, faculty, academic and classified staff and visitors at campus. The board shall require the fee to be sufficient to recover the costs of the construction and maintenance necessary for the parking facilities. Nothing in this paragraph shall be deemed to require the recovery of the costs of land for parking facilities. Nothing in this paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee. ~~Center~~ College campus facilities owned by a county are not required to charge a parking fee.

SECTION 82h. 36.11 (16) of the statutes is amended to read:

36.11 **(16)** COMMENCEMENT OF FALL SEMESTER. The board shall ensure that no fall semester classes at any ~~center or~~ institution ~~within the system~~, except medical school classes and 4th year classes at the school of veterinary medicine, commence until after September 1.

SECTION 82i. 36.11 (21) of the statutes is amended to read:

36.11 **(21)** CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS; DISCIPLINE. Any student who engages in an activity, on campus or at an event sponsored by a ~~center~~ college campus or institution or by the system, that constitutes a violation of ch. 961 is subject to nonacademic misconduct disciplinary sanctions, as provided by the board by rule. In determining the appropriate sanction, the board or its designee shall consider those penalties, including suspension and expulsion, that will contribute most effectively to maintaining a system environment that is free from controlled substances, as defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01 (4m).

SECTION 82j. 36.11 (22) (a) (intro.) of the statutes is amended to read:

36.11 **(22)** (a) (intro.) The board shall direct each institution and ~~center~~ college campus to:

SECTION 82jm. 36.11 (22) (a) 1. c. of the statutes is amended to read:

36.11 **(22)** (a) 1. c. The rights of victims under ch. 950 and the services available at the institution or ~~center~~ college campus and in the community to assist a student who is the victim of sexual assault or sexual harassment.

SECTION 82k. 36.11 (22) (a) 2. of the statutes is amended to read:

36.11 **(22)** (a) 2. Annually supply to all students enrolled in the institution or ~~center~~ college campus printed material that includes all of the information under par. (a).

SECTION 82L. 36.11 (22) (b) of the statutes is amended to read:

36.11 **(22)** (b) Annually, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall indicate the methods each institution and ~~center~~ college campus have used to comply with par. (a).

SECTION 82m. 36.11 (22) (c) of the statutes is amended to read:

36.11 **(22)** (c) Any person employed at an institution ~~or center~~ who witnesses a sexual assault on campus or receives a report from a student enrolled in the institution ~~or center~~ that the student has been sexually assaulted shall report to the dean of students of the institution ~~or to the dean of the center~~. The dean of students ~~or dean~~ shall compile reports for the purpose of disseminating statistical information under par. (a) 1. b.

SECTION 82n. 36.11 (22) (d) of the statutes is amended to read:

36.11 **(22)** (d) Annually, each institution ~~and center~~ shall report to the office of justice assistance in the department of administration statistics on sexual assaults and on sexual assaults by acquaintances of the victims that occurred on ~~the~~ each campus of the institution ~~or center~~ in the previous year. The office of justice assistance shall include the statistics in appropriate crime reports published by the office.

SECTION 82p. 36.12 (1) of the statutes is amended to read:

36.12 **(1)** No student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions ~~or centers~~ because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

SECTION 82q. 36.12 (2) (a) (intro.) of the statutes is amended to read:

36.12 **(2)** (a) (intro.) The board shall direct each institution ~~and center~~ to establish policies and procedures to protect students from discrimination under sub. (1). The policies and procedures shall do all of the following:

SECTION 82r. 36.12 (2) (a) 3. of the statutes is amended to read:

36.12 **(2)** (a) 3. Require a complainant to file a complaint with the institution ~~or center~~ within 300 days of the alleged violation of sub. (1).

SECTION 82s. 36.12 (2) (a) 4. of the statutes is amended to read:

36.12 **(2)** (a) 4. Provide periods within which the complainant and the institution ~~or center~~ must act for each procedural step leading to the issuance of a final decision and for appeal of the final decision to the chancellor of the institution ~~or dean of the center~~.

SECTION 82t. 36.12 (3) (a) of the statutes is amended to read:

36.12 **(3)** (a) The number of complaints received at each institution ~~and center~~ alleging a violation of sub. (1) and the disposition of each such complaint.

SECTION 82u. 36.17 (2) of the statutes is amended to read:

36.17 **(2)** Limited appointments apply to the following positions: president, provost, vice president, associate vice president, assistant vice president, chancellor, vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor, assistant vice chancellor, ~~center system~~ college campus dean, secretary of the board, associate secretary of the board, assistant secretary of the board, trust officer and assistant trust officer and such other administrative positions as the board determines at the time of the appointment.

SECTION 82v. 36.25 (26) of the statutes is amended to read:

36.25 **(26)** DAY CARE CENTERS. A ~~center~~ college campus may establish a day care center and may use funds received from the appropriation under s. 20.285 (1) (a) to operate it.

SECTION 82wg. 36.27 (2) (a) 1. to 6. of the statutes are amended to read:

36.27 **(2)** (a) 1. Any adult student who has been a bona fide resident of the state for 12 months next preceding the beginning of any semester or session for which such student registers at ~~a university or center~~ an institution.

2. Any minor student, if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at ~~a university or center~~ an institution.

3. Any adult student who is a dependent of his or her parents under 26 USC 152 (a), if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at ~~a university or center~~ an institution.

4. Any minor student who has resided substantially in this state during the years of minority and at least 12 months next preceding the beginning of any semester or session for which such student registers at ~~a university or center~~ an institution.

5. Any minor student under guardianship in this state pursuant to ch. 48 or 880 whose legal guardian has been a bona fide resident of this state for at least 12 months next preceding the beginning of any semester or session for which such student registers at ~~a university or center~~ an institution.

6. Any adult student who has been employed as a migrant worker for at least 2 months each year for 3 of the 5 years next preceding the beginning of any semester or session for which the student registers at ~~a university or center~~ an institution, or for at least 3 months each year for 2 of the 5 years next preceding the beginning of any semester or session for which the student registers at ~~a university or center~~ an institution, any adult student whose parent or legal guardian has been so employed while the student was a minor and any minor student whose parent or legal guardian has been so employed. In this subdivision, "migrant worker" has the meaning specified in s. 103.90 (5).

SECTION 82wr. 36.27 (2) (c) of the statutes is amended to read:

36.27 **(2)** (c) Any student who is a graduate of a Wisconsin high school and whose parents are bona fide residents of this state for 12 months next preceding the beginning of any semester or session for which the student registers at ~~a university or center~~ an institution or whose last surviving parent was a bona fide resident of this state for the 12 months preceding death is entitled to the exemption under par. (a).

SECTION 82xe. 36.27 (2) (cm) of the statutes is amended to read:

36.27 **(2)** (cm) Any person continuously employed full time in this state, who was relocated to this state by his or her current employer or who moved to this state for employment purposes and accepted his or her current employment before applying for admission to an institution ~~or center~~ and before moving, and the spouse and dependents of any such person, are entitled to the exemption under par. (a) if the student demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e). In this paragraph, "dependents" has the meaning given in 26 USC 152 (a).

SECTION 82xm. 36.27 (2) (d) of the statutes is amended to read:

36.27 **(2)** (d) Any person who has not been a bona fide resident of the state for 12 months next preceding the beginning of any semester or session for which such person registers at ~~a university or center~~ an institution, except as provided in this subsection, is not exempt from the payment of the nonresident tuition.

SECTION 82xn. 36.30 of the statutes is amended to read:

36.30 Sick leave. Leave of absence for persons holding positions under s. 20.923 (4g) and (5), faculty and academic staff personnel with pay, owing to sickness, shall be regulated by rules of the board, except that unused sick leave shall accumulate from year to year.

SECTION 82xp. 36.43 (4) of the statutes is amended to read:

36.43 **(4)** A procedure for handling and resolving complaints within each ~~center and~~ institution.

SECTION 82xs. 36.46 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

36.46 **(1)** (a) The board may not accumulate any auxiliary reserve funds from student fees for any institution~~, or for the centers in aggregate,~~ in an amount that exceeds an amount equal to 15% of the previous fiscal year's total revenues from student segregated fees and auxiliary operations funded from student fees for that institution~~, or for the centers in aggregate,~~ unless the reserve funds are approved by the secretary of administration and the joint

committee on finance under this subsection. A request by the board for such approval for any fiscal year shall be filed by the board with the secretary of administration and the cochairpersons of the joint committee on finance no later than September 15 of that fiscal year. The request shall include a plan specifying the amount of reserve funds the board wishes to accumulate and the purposes to which the reserve funds would be applied, if approved. Within 14 working days of receipt of the request, the secretary of administration shall notify the cochairpersons of the joint committee on finance in writing of whether the secretary proposes to approve the reserve fund accumulation.

SECTION 82ye. 36.51 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

36.51 **(2)** Any ~~center~~ college campus or institution approved by the board may establish a system to provide the opportunity for authorized elderly persons to participate in its meal program. If a ~~center~~ college campus or institution desires to establish such a service, it shall develop a plan for the provision of food services for elderly persons and submit the plan to the board. Annually, the board shall notify the department of public instruction of the approved ~~centers~~ college campuses and institutions.

SECTION 82ym. 36.51 (3) of the statutes is amended to read:

36.51 **(3)** Each plan shall provide at least one meal per day for each day that school is in regular session. The ~~center~~ college campus or institution may provide additional service at other times in its discretion, if the number of eligible persons in the area is of sufficient size, in the opinion of the board, so that unwarranted production expense is not incurred.

SECTION 82ys. 36.51 (4) of the statutes is amended to read:

36.51 **(4)** Any ~~center~~ college campus or institution that operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every facility that provides hot food service to its students. Upon application, the board may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood.

SECTION 82ze. 36.51 (5) of the statutes is amended to read:

36.51 **(5)** Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes. The board may require consolidation of programs between ~~centers~~ college campuses and institutions and between schools if such a procedure will be convenient and economical.

SECTION 82zm. 36.51 (6) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

36.51 **(6)** The ~~center~~ college campus or institution may file a claim with the department of public instruction for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the state treasurer shall pay the claim from the appropriation under s. 20.255 (2) (cn).

SECTION 82zp. 36.51 (7) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

36.51 **(7)** All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the state superintendent of public instruction under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, no ~~center~~ college campus or institution may be required to provide special foods for individual persons with allergies or medical disorders.

SECTION 82zs. 36.51 (8) of the statutes is amended to read:

36.51 **(8)** Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the board. The board may issue identification cards to such persons if necessary. A ~~center~~ college campus or institution may admit nonresidents who would otherwise qualify into its program, but no state funds under this section may be used to subsidize any portion of the meals served to such persons.

SECTION 82zt. 36.54 (2) (f) of the statutes is created to read:

36.54 **(2)** (f) The environmental education board may use up to 5% of the amount appropriated under s. 20.285 (1) (rc) to administer the grants under this subsection.

SECTION 82zw. 38.12 (8) (b) of the statutes is amended to read:

38.12 **(8)** (b) The district boards shall actively coordinate, with the institutions ~~and centers~~ within the university of Wisconsin system, the sharing of programs and facilities, including the collegiate transfer program, adult education and evening courses and part−time student and associate degree programs, in order to reduce the duplication of such programs and facilities.

SECTION 83b. 38.28 (1m) (a) 2. of the statutes is amended to read:

38.28 **(1m)** (a) 2. "District aidable cost" for any district that does not have an institution or ~~center~~ college campus located in the district does not include costs associated with the collegiate transfer program at the district school. In this subdivision, "institution" and ~~"center~~

"college campus" have the meanings specified under s. 36.05.

SECTION 83d. 38.28 (2) (b) 2. of the statutes is amended to read:

38.28 **(2)** (b) 2. The most current equalized values certified by the department of revenue shall be used in aid determinations. Equalized values shall include the full value of computers that are exempt under s. 70.11 (39) as determined under s. 79.095 (3).

SECTION 83f. 38.28 (4) of the statutes is amended to read:

38.28 **(4)** From the appropriation under s. 20.292 (1) (dm), the board shall annually pay to any district that does not have an institution or ~~center~~ college campus located within the district an amount equal to that portion of the instructional costs of the district's collegiate transfer program not supported by fees and tuition that is equal to the state support of similar programs in the university of Wisconsin system, as determined by the board. In this subsection, "institution" and ~~"center~~ "college campus" have the meanings specified under s. 36.05.

SECTION 83no. 39.41 (2) (a) of the statutes is amended to read:

39.41 **(2)** (a) If a designated scholar under sub. (1m) is admitted to and enrolls, on a full−time basis, by September 30 of the academic year immediately following the school year in which the senior was designated a scholar, in ~~a center or~~ an institution within the university of Wisconsin system or in a technical college district school that is participating in the program under this section, the scholar shall receive a higher education scholarship that exempts the scholar from all tuition and fees, including segregated fees, at the ~~center,~~ institution or district school for one year, except that the maximum scholarship for a scholar who receives an original scholarship for the 1996−97 academic year or for any academic year thereafter may not exceed $2,250 per academic year.

SECTION 83p. 39.41 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 109, is amended to read:

39.41 **(2)** (b) For each year that a scholar who receives a scholarship under par. (a) is enrolled full time, maintains at least a 3.000 grade point average, or the equivalent as determined by the ~~center,~~ institution or district school, and makes satisfactory progress toward an associate or a bachelor's degree, the student shall be exempt from all tuition and fees, including segregated fees, in the subsequent year, except that the maximum scholarship for a scholar who receives an original scholarship for the 1996−97 academic year or for any academic year thereafter may not exceed $2,250 per academic year. No scholar is eligible for an exemption for more than 4 years ~~at a center or institution~~ in the University of Wisconsin System or more than 3 years at a district school.

SECTION 83q. 39.41 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

39.41 **(2)** (c) Subject to sub. (4), for each year the student is exempt from tuition and fees under par. (a) or (b), the board shall pay the ~~center,~~ institution or district school, on behalf of the student, an amount equal to 50% of the student's tuition and fees, except that the maximum payment for a student who receives an original scholarship for the 1996−97 academic year or for any academic year thereafter may not exceed $1,125 per academic year.

SECTION 83s. 39.41 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

39.41 **(4)** (a) The board shall make the payments under subs. (2) (c) and (3) only if the ~~center,~~ institution, district school or private institution matches the amount of the payment from institutional funds, gifts or grants. Beginning in the 1992−93 school year, the matching requirement under this paragraph for the ~~centers and~~ institutions within the university of Wisconsin system shall be satisfied by payments of an amount equal to the total payments from the ~~centers and~~ institutions made under this paragraph in the 1991−92 school year and, if such payments are insufficient to satisfy the matching requirement, by the waiver of academic fees established under s. 36.27.

SECTION 83w. 39.41 (5) (a) 1. of the statutes, as affected by 1997 Wisconsin Act 109, is amended to read:

39.41 **(5)** (a) 1. Each ~~center or~~ institution within the university of Wisconsin system, technical college district school and private institution of higher education that wishes to participate in the scholarship program under this section in academic year 1999−2000 and thereafter shall notify the board by October 1, 1998, that the institution wishes to participate.

SECTION 83x. 40.02 (17) (m) of the statutes is created to read:

40.02 **(17)** (m) Notwithstanding par. (d), each participant who is a state probation and parole officer on or after the effective date of this paragraph .... [revisor inserts date], shall be granted creditable service as a protective occupation participant for all covered service as a state probation and parole officer that was earned on or after the effective date of this paragraph .... [revisor inserts date], but may not be granted creditable service as a protective occupation participant for any covered service as a state probation and parole officer that was earned before the effective date of this paragraph .... [revisor inserts date], unless that service was earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as a protective occupation participant.

SECTION 83xem. 40.02 (30) of the statutes is amended to read:

40.02 **(30)** "Executive participating employe" means a participating employe in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (4m), (8) or (9) or authorized under s. 230.08 (2) (e) during the time of employment. All service credited prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985

stats., shall continue to be treated as executive service as defined under s. 40.02 (31), 1985 stats., but no other service rendered prior to May 17, 1988, may be changed to executive service as defined under s. 40.02 (31), 1985 stats.

SECTION 83xg. 40.02 (48) (am) of the statutes is amended to read:

40.02 **(48)** (am) "Protective occupation participant" includes any participant whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who is a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, conservation pilot, conservation patrol officer, forest fire control assistant, member of the state patrol, state motor vehicle inspector, police officer, fire fighter, sheriff, undersheriff, deputy sheriff, state probation and parole officer, county traffic police officer, state forest ranger, fire watcher employed by the Wisconsin veterans home, state correctional−psychiatric officer, excise tax investigator employed by the department of revenue, special criminal investigation agent in the department of justice, assistant or deputy fire marshal, or person employed under s. 61.66 (1).

SECTION 83xm. 40.02 (48) (c) of the statutes is amended to read:

40.02 **(48)** (c) In s. 40.65, "protective occupation participant" means a participating employe who is a police officer, fire fighter, an individual determined by a participating employer under par. (a) or (bm) to be a protective occupation participant, county undersheriff, deputy sheriff, state probation and parole officer, county traffic police officer, conservation warden, state forest ranger, field conservation employe of the department of natural resources who is subject to call for forest fire control or warden duty, member of the state traffic patrol, state motor vehicle inspector, university of Wisconsin system full−time police officer, guard or any other employe whose principal duties are supervision and discipline of inmates at a state penal institution, excise tax investigator employed by the department of revenue, person employed under s. 61.66 (1), or special criminal investigation agent employed by the department of justice.

SECTION 83y. 40.02 (57) of the statutes is amended to read:

40.02 **(57)** "University" means ~~any college, school or department under the control and management of the board of regents of~~ the university of Wisconsin system under ch. 36.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 90b. 40.51 (8) of the statutes, as affected by 1997 Wisconsin Act 155, is amended to read:

40.51 **(8)** Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10), 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.895 (5m) and (8) to (13) and 632.896.

SECTION 90bm. 40.51 (8m) of the statutes, as affected by 1997 Wisconsin Act 155, is amended to read:

40.51 **(8m)** Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747, 632.748, 632.85, 632.853, 632.855 and 632.895 (11) to (13).

SECTION 90bp. 40.51 (12) of the statutes is repealed and recreated to read:

40.51 **(12)** Every managed care plan, as defined in s. 609.01 (3c), and every limited service health organization, as defined in s. 609.01 (3), that is offered by the state under sub. (6) shall comply with ch. 609.

SECTION 90bq. 40.51 (13) of the statutes is created to read:

40.51 **(13)** Every managed care plan, as defined in s. 609.01 (3c), and every limited service health organization, as defined in s. 609.01 (3), that is offered by the group insurance board under sub. (7) shall comply with ch. 609.

SECTION 90bt. 40.65 (4v) of the statutes is created to read:

40.65 **(4v)** A state probation and parole officer who becomes a protective occupation participant on or after the effective date of this subsection .... [revisor inserts date], is not entitled to a duty disability benefit under this section for an injury or disease occurring before the effective date of this subsection .... [revisor inserts date].

SECTION 90c. 44.71 (2) (e) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

44.71 **(2)** (e) Subject to s. 196.218 (4r) (f), in cooperation with the department and the public service commission, provide telecommunications access to school districts, private schools, cooperative educational service agencies, technical college districts, private colleges and public library boards under the program established under s. 196.218 (4r).

SECTION 90d. 45.25 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

45.25 **(1)** ADMINISTRATION. The department of veterans affairs shall administer a tuition and fee reimbursement program for eligible veterans enrolling as undergraduates in any institution ~~or center~~ within the university of Wisconsin system, enrolling in any technical college under ch. 38 or receiving a waiver of nonresident tuition under s. 39.47.

SECTION 90h. 45.25 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

45.25 **(3)** (a) Except as provided in par. (am), an individual who meets the requirements under sub. (2), upon satisfactory completion of an undergraduate semester in any institution ~~or center~~ within the university of Wisconsin system or a semester at any technical college district school under ch. 38, may be reimbursed for up to 50% of the individual's tuition and fees, but that reimbursement is limited to a maximum of 50% of the standard cost for a state resident for an equivalent undergraduate course at the University of Wisconsin−Madison per course or the difference between the individual's tuition and fees and the grants or scholarships, including those made under s. 21.49, that the individual receives specifically for the payment of the tuition or fees, whichever is less. Reimbursement is available only for tuition and fees that are part of a curriculum that is relevant to a degree in a particular course of study at the institution~~, center~~ or school.

SECTION 90k. 45.25 (3) (am) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

45.25 **(3)** (am) A disabled individual who meets the requirements under sub. (2) and whose disability is rated at 30% or more under 38 USC 1114 or 1134, upon satisfactory completion of an undergraduate semester in any institution ~~or center~~ within the University of Wisconsin System or a semester at any technical college district school under ch. 38, may be reimbursed for up to 100% of the individual's tuition and fees, but that reimbursement is limited to 100% of the standard cost for a state resident for an equivalent undergraduate course at the University of Wisconsin−Madison per course, or the difference between the individual's tuition and fees and the grants or scholarships, including those made under s. 21.49, that the individual receives specifically for the payment of the tuition or fees, whichever is less. Reimbursement is available only for tuition and fees that are part of a curriculum that is relevant to a degree in a particular course of study at the institution~~, center~~ or school.

SECTION 90p. 45.25 (3) (b) 4. of the statutes is amended to read:

45.25 **(3)** (b) 4. Contain the signatures of both the applicant and a representative of the institution~~, center~~ or school certifying that the applicant has satisfactorily completed the semester.

SECTION 90t. 45.25 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

45.25 **(4)** (a) An individual is not eligible for reimbursement under sub. (2) for more than 120 credits of part−time study or 8 full semesters of full−time study at any institution ~~or center~~ within the university of Wisconsin system, 60 credits of part−time study or 4 full semesters of full−time study at a technical college under ch. 38, or an equivalent amount of credits at an institution where he or she is receiving a waiver of nonresident tuition under s. 39.47.

SECTION 90w. 45.351 (1) of the statutes is amended to read:

45.351 **(1)** SUBSISTENCE GRANTS. The department may grant subsistence aid to any veteran or to any dependent of a veteran in an amount that the department deter-

mines is advisable to prevent want or distress. The department may grant subsistence aid on a month−to−month basis or for a 3−month period. The department may grant subsistence aid for a 3−month period if the veteran or dependent whose incapacity is the basis for the aid will be incapacitated for more than 3 months and if earned or unearned income or aid from sources other than those listed in the application will not be available in the 3−month period. Subsistence aid is limited to a maximum of 3 months in a 12−month period unless the department determines that the need for subsistence aid in excess of this maximum time period is caused by the aid recipient's relapse. The department may submit a request to the joint committee on finance for supplemental funds from the veterans trust fund to be credited to the appropriation account under s. 20.485 (2) (vm) for subsistence grants to veterans. If the cochairpersons of the committee do not notify the secretary of the department within 14 working days after the date of the department's submittal that the committee intends to schedule a meeting to review the request, the appropriation account shall be supplemented as provided in the request. If, within 14 working days after the date of the department's submittal, the cochairpersons of the committee notify the secretary of the department that the committee intends to schedule a meeting to review the request, the appropriation account shall be supplemented only as approved by the committee.

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

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

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

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

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

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

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

46.10 **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. ~~48.366,~~ 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.06, ~~938.183, 938.34 (4h) or (4m), 938.357 (4) and (5) (e),~~ 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services and supplies provided by any institution in this state including University of Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of the person's care, maintenance, services and supplies, any person receiving care and services from a county department established under s. 51.42 or 51.437 or from a facility established under s. 49.73, and any person receiving treatment and services from a public or private agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5) and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

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

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

established by the department of workforce development under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under s. 46.247.

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

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

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

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

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

Vetoed In Part

SECTION 98m. 46.27 (7) (am) of the statutes is amended to read:

46.27 **(7)** (am) From the ~~appropriation~~ appropriations under s. 20.435 (7) (bb) and (bd), the department shall allocate funds to each county or private nonprofit agency with which the department contracts to pay assessment and case plan costs under sub. (6) not otherwise paid by fee or under s. 49.33 (2) or 49.45. The department shall reimburse counties for the cost of assessing persons eligible for medical assistance under s. 49.46, 49.468 or 49.47 as part of the administrative services of medical assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this paragraph to pay the cost of long−term community support services.

SECTION 98n. 46.27 (11) (c) 3. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

46.27 **(11)** (c) 3. Medical assistance reimbursement for services a county, a private nonprofit agency or an aging unit with which the department contracts provides under this subsection shall be made from the appropriations under s. 20.435 (5) (o) and (7) (b), (bb) and (bd).

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

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

46.40 **(2m)** (a) *Prevention and treatment of substance abuse.* For prevention and treatment of substance abuse under 42 USC 300x−21 to 300x−35, the department shall distribute not more than ~~$9,702,400~~ $10,493,900 in fiscal year 1997−98 and not more than ~~$8,641,100~~ $10,224,100 in fiscal year 1998−99.

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

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

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

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

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

48.21 **(5)** (b) An order relating to a child held in custody outside of his or her home shall also describe any efforts that were made to permit the child to remain safely at home and the services that are needed to ensure the child's well−being, to enable the child to return safely to his or her home and to involve the parents in planning for the child.

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

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

(b) Subject to par. (c), the court may order either or both of the parents of a child for whom a guardian ad litem is appointed under this chapter to pay all or any part of the compensation of the guardian ad litem. In addition, upon motion by the guardian ad litem, the court may order either or both of the parents of the child to pay the fee for an expert witness used by the guardian ad litem, if the guardian ad litem shows that the use of the expert is necessary to assist the guardian ad litem in performing his or her functions or duties under this chapter. If one or both parents are indigent or if the court determines that it

would be unfair to a parent to require him or her to pay, the court may order the county of venue to pay the compensation and fees, in whole or in part. If the court orders the county of venue to pay because a parent is indigent, the court may also order either or both of the parents to reimburse the county, in whole or in part, for the payment.

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

2. In an uncontested termination of parental rights and adoption proceeding under s. 48.835 or 48.837, the court shall order the proposed adoptive parents to pay the compensation of the child's guardian ad litem. If the proposed adoptive parents are indigent, the court may order the county of venue to pay the compensation, in whole or in part, and may order the proposed adoptive parents to reimburse the county, in whole or in part, for the payment.

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

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

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

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

48.27 **(3)** (a) 1m. The court shall give a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under subd. 1. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

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

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

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

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

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

48.355 **(2)** (b) 6. If the child is placed outside the home, a finding that continued placement of the child in his or her home would be contrary to the health, safety and welfare of the child and, if sub. (2d) does not apply, a finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for ~~the provision of~~ providing services under a court order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, or, if applicable, ~~that~~ a finding as to whether the agency primarily responsible for ~~the provision of~~ providing services under a court order has made reasonable efforts to make it possible for the child to return safely to his or her home.

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

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

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

48.355 **(2c)** (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to prevent the removal of the child from his or her home, while assuring that the child's health and safety are the paramount concerns, the court's consideration of reasonable efforts shall include, but not be limited to, whether:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 114. 48.357 (2r) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

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

SECTION 115. 48.363 (1m) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

48.363 **(1m)** If a hearing is held under sub. (1), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall ~~permit~~ give a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. Any written or oral statement made under this subsection shall be made under oath or affirmation. A foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

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

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

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

48.365 **(2g)** (b) 2. An evaluation of the child's adjustment to the placement and of any progress the child has made, suggestions for amendment of the permanency plan, a description of efforts to return the child safely to his or her home, including efforts of the parents to remedy factors which contributed to the child's placement and, if continued placement outside of the child's home is recommended, an explanation of why returning the child to his or her home is not safe or feasible.

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

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

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

48.365 **(2m)** (a) Any party may present evidence relevant to the issue of extension. The judge shall make findings of fact and conclusions of law based on the evidence~~, including~~. Subject to s. 48.355 (2d), the findings of fact shall include a finding as to whether reasonable efforts were made by the agency primarily responsible for providing services to the child to make it possible for the child to return safely to his or her home. An order shall be issued under s. 48.355.

SECTION 120. 48.365 (2m) (ag) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.415 **(1)** (a) 1r. That a court of competent jurisdiction has found under s. 48.13 (2) or under a law of any other state or a federal law that is comparable to s. 48.13 (2) that the child was abandoned when the child was under one year of age or has found that the parent abandoned the child when the child was under one year of age in violation of s. 948.20 or in violation of the law of any other state or federal law, if that violation would be a violation of s. 948.20 if committed in this state.

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

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

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

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

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

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

SECTION 143. 48.415 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

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

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

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

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

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

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

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

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

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

(b) A court of competent jurisdiction has found under s. 48.13 (2) or under a law of any other state or a federal law that is comparable to s. 48.13 (2) that the child was abandoned when he or she was under one year of age or has found that the parent abandoned the child when the

child was under one year of age in violation of s. 948.20 or in violation of the law of any other state or federal law, if that violation would be a violation of s. 948.20 if committed in this state.

(c) A court of competent jurisdiction has found that the parent has committed, has aided or abetted the commission of, or has solicited, conspired or attempted to commit, a violation of s. 940.01, 940.02, 940.03 or 940.05 or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.01, 940.02, 940.03 or 940.05 if committed in this state, and that the victim of that violation is a child of the parent.

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

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

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

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

(c) The agency primarily responsible for providing services to the child and the family under a court order, if required under s. 48.355 (2) (b) 6. to make reasonable efforts to make it possible for the child to return safely to his or her home, has not provided to the family of the child, consistent with the time period in the child's permanency plan, the services necessary for the safe return of the child to his or her home.

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

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

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

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

SECTION 147. 48.42 (2g) (b) of the statutes, as created by 1997 Wisconsin Act 80, is amended to read:

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

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

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

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

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

SECTION 150. 48.427 (1m) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

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

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

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

SECTION 151m. 48.561 (3) (a) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

48.561 **(3)** (a) A county having a population of 500,000 or more shall contribute ~~$31,280,700~~ $29,446,800 in state fiscal year 1997-98 for the provision of child welfare services in that county by the department.

SECTION 151p. 48.561 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27, section 1600d, and 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

48.561 **(3)** (a) A county having a population of 500,000 or more shall contribute $58,893,500 in each state fiscal year for the provision of child welfare services in that county by the department.

SECTION 152m. 48.57 (3m) (ar) of the statutes is created to read:

48.57 **(3m)** (ar) The department shall promulgate rules to provide assessment criteria for determining whether a kinship care relative who is providing care and maintenance for a child is eligible to receive payments under par. (am). The rules shall include criteria for determining whether a kinship care relative who is providing care and maintenance for a child is eligible to receive payments under par. (am) in cases in which the safety of the child is not an immediate concern, but placement of the child with the kinship care relative could avoid the need for more costly intervention services. The rules shall also provide that any criteria established under the rules shall first apply to applications for payments under par. (am) received, and to reviews under par. (d) conducted, on the effective date of those rules.

Vetoed In Part

SECTION 153m. 48.66 (1) of the statutes, as affected by 1997 Wisconsin Acts .... (Senate Bill 494) and .... (Assembly Bill 410), is amended to read:

48.66 **(1)** Except as provided under s. 48.715 (6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care centers, as required by s. 48.65. The department may license foster homes or treatment foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. Except as provided under s. 48.715 (6), the department of corrections may license a child welfare agency to operate a secured child caring institution, as defined in s. 938.02 (15g), for holding in secure custody juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h) or (4m) and referred to the child welfare agency by the court or the department of corrections and to provide supervision, care and maintenance for those juveniles. A license issued under this subsection, other than a license to operate a foster home, treatment foster home or secured child caring institution, is valid until revoked or suspended. A license issued under this subsection to operate a foster home, treatment foster home or secured child caring institution may be for any term not to exceed 2 years from the date of issuance. No license issued under this subsection is transferable.

SECTION 154m. 48.66 (2) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

48.66 **(2)** The department shall prescribe application forms to be used by all applicants for licenses from it. The application forms prescribed by the department shall require that the social security numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility or day care center who are individuals be provided and that the federal employer identification numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility or day care center who are not individuals be provided.

SECTION 155m. 48.66 (2m) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

48.66 **(2m)** (a) The department of health and family services shall require each applicant for a license under sub. (1) to operate a child welfare agency, group home, shelter care facility or day care center who is an individual~~, and the department of corrections shall require each applicant for a license under sub. (1) to operate a secured child caring institution who is an individual,~~ to provide that department with ~~his or her~~ the applicant's social security number, and shall require each applicant for a license under sub. (1) to operate a child welfare agency, group home, shelter care facility or day care center who is not an individual to provide that department with the

applicant's federal employer identification number, when initially applying for or applying to ~~renew~~ continue the license.

(b) The department of health and family services ~~and the department of corrections~~ may not issue or ~~renew~~ continue a license ~~specified in par. (a)~~ under sub. (1) to operate a child welfare agency, group home, shelter care facility or day care center to or for an applicant who is an individual unless the applicant has provided ~~his or her~~ the applicant's social security number to that department and may not issue or continue a license under sub. (1) to operate a child welfare agency, group home, shelter care facility or day care center to or for an applicant who is not an individual unless the applicant has provided the applicant's federal employer identification number to that department.

(c) The department of health and family services ~~and the department of corrections may disclose a social security number~~ may not disclose any information obtained under par. (a) ~~only~~ to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 or on the request of the department of workforce development under s. 49.22 (2m).

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

48.66 **(2m)** (am) The department of corrections shall require each applicant for a license under sub. (1) to operate a secured child caring institution who is an individual to provide that department with the applicant's social security number when initially applying for or applying to renew the license.

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

48.66 **(2m)** (bm) The department of corrections may not issue or renew a license under sub. (1) to operate a secured child caring institution to or for an applicant who is an individual unless the applicant has provided the applicant's social security number to that department.

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

48.66 **(2m)** (cm) The department of corrections may not disclose any information obtained under par. (am) to any person except on the request of the department of workforce development under s. 49.22 (2m).

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

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

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

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

SECTION 157m. 48.685 (1) (bg) of the statutes is created to read:

48.685 **(1)** (bg) "Foster home" includes a placement for adoption under s. 48.833 of a child for whom adoption assistance will be provided under s. 48.975 after the adoption is finalized.

SECTION 157p. 48.685 (1) (d) of the statutes is created to read:

48.685 **(1)** (d) "Treatment foster home" includes a placement for adoption under s. 48.833 of a child for whom adoption assistance will be provided under s. 48.975 after the adoption is finalized.

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

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

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

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

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

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

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

48.685 **(2)** (am) 5. Information maintained by the department under this section~~,~~ and under ~~section~~ ss. 48.651 (2m) ~~and under s.~~, 48.75 (1m) and 120.13 (14) regarding

any denial to the person of a license, continuation or renewal of a license, certification or a contract to operate an entity for a reason specified in par. (a) 1. to 5. and regarding any denial to the person of employment at, a contract with or permission to reside at an entity for a reason specified in par. (ag) 1. to 5. If the information obtained under this subdivision indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, employment or permission to reside as described in this subdivision, the department, a county department, a child welfare agency or a school board need not obtain the information specified in subds. 1. to 4.

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

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

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

48.685 **(2)** (b) 1. e. Information maintained by the department under this section~~,~~ and under ~~section~~ ss. 48.651 (2m) ~~and under s.~~, 48.75 (1m) and 120.13 (14) regarding any denial to the person of a license, continuation or renewal of a license, certification or a contract to operate an entity for a reason specified in par. (a) 1. to 5. and regarding any denial to the person of employment at, a contract with or permission to reside at an entity for a reason specified in par. (ag) 1. to 5. If the information obtained under this subd. 1. e. indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, employment or permission to reside as described in this subd. 1. e., the entity need not obtain the information specified in subd. 1. a. to d.

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

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

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

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

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

48.685 **(2)** (c) If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be employed~~,~~ or contracted with ~~or permitted to reside at an entity~~ for a reason specified in par. (ag) 1. to 5., an entity may employ or contract with the person ~~or permit the person to reside at the entity~~ for not more than 60 days pending the receipt of the information sought under par. (b) 1. If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be permitted to reside at an entity for a reason specified in par. (ag) 1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity for any of those reasons, the entity may permit the person to reside at the entity for not more than 60 days pending receipt of the information sought under par. (am). An entity shall provide supervision for a person who is employed, contracted with or permitted to reside as permitted under this paragraph.

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

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

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

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

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

48.685 **(3m)** Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a county department, a child welfare agency or a school board has obtained the information required under sub. (2) (am) or (3) (a) with respect to a person specified in sub. (2) (a) (intro.) and that person is also an employe, contractor or nonclient resident of an entity, the entity is not required to obtain the information specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

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

48.685 **(5)** (a) The department may license to operate an entity, a county department may certify under s. 48.651, a county department or a child welfare agency may license under s. 48.62 and a school board may contract with under s. 120.13 (14) a person who otherwise may not be licensed, certified or contracted with for a reason specified in sub. (2) (a) 1. to 5., and an entity may employ, contract with or permit to reside at the entity a person who otherwise may not be employed, contracted with or permitted to reside at the entity for a reason specified in sub. (2) (ag) 1. to 5., if the person demonstrates to the department, the county department, the child welfare agency or the school board by clear and convincing evidence and in accordance with procedures established by the department by rule that he or she has been rehabilitated. ~~No~~

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

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

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

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

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

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

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

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

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

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

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

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

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

48.685 **(5c)** (a) Any person who is permitted but fails under sub. (5) (a) to demonstrate to the department or a child welfare agency that he or she has been rehabilitated may appeal to the secretary of health and family services or his or her designee. Any person who is adversely affected by a decision of the secretary or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.

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

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

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

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

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

48.685 **(5g)** Beginning on ~~the first~~ January 1 ~~after the effective date of this subsection .... [revisor inserts date]~~ 1999, and annually thereafter, the department shall submit a report to the legislature under s. 13.172 (2) that

specifies the number of persons in the previous year who have requested to demonstrate ~~to the department~~ that they have been rehabilitated under sub. (5) (a), the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5) (a) and the reasons for the success or failure of a person who has attempted to demonstrate that he or she has been rehabilitated.

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

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

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

48.685 **(6)** (a) The department shall require any person who applies for issuance ~~or~~, continuation or renewal of a license to operate an entity, a county department shall require any day care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home or treatment foster home under s. 48.62 and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

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

48.685 **(6)** (b) For persons specified under par. (a) who are ~~regulated,~~ licensed ~~or certified by, or registered with,~~ by the department, for persons specified in par. (am) 2. who are nonclient residents or prospective nonclient residents of an entity that is licensed by the department, and for other persons specified by the department by rule, the entity shall send the background information form to the department. ~~For all other persons specified in par. (a) and for~~ For persons specified under par. (a) who are licensed or certified by a county department, for persons specified in par. (am) 2. who are nonclient residents or prospective nonclient residents of an entity that is licensed or certified by a county department and for other persons specified by the department by rule, the entity shall send the background information form to the county department. For persons specified under par. (a) who are licensed by a child welfare agency, for persons specified in par. (am) 2. who are nonclient residents or prospective nonclient residents of an entity that is licensed by a child welfare agency and for other persons specified by the department by rule, the entity shall send the background information form to the child welfare agency. For persons specified under par. (a) who are contracted with by a school board, for persons specified in par. (am) 2. who are nonclient residents or prospective nonclient residents of an entity that is contracted with by a school board and for other persons specified by the department by rule, the entity shall send the background information form to the school board. For persons specified under par. (am) 1., the entity shall maintain the background information form on file for inspection by the department, county department, child welfare agency or school board, whichever is applicable.

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

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

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

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

SECTION 188m. 48.69 of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

48.69 Probationary licenses. Except as provided under s. 48.715 (6) and (7), if any child welfare agency, shelter care facility, group home or day care center that has not been previously issued a license under s. 48.66 (1) applies for a license, meets the minimum requirements for a license established under s. 48.67 and pays the appli-

cable fee referred to in s. 48.68 (1), the department shall issue a probationary license to that child welfare agency, shelter care facility, group home or day care center. A probationary license is valid for up to 6 months after the date of issuance unless renewed under this section or suspended or revoked under s. 48.715. Before a probationary license expires, the department shall inspect the child welfare agency, shelter care facility, group home or day care center holding the probationary license and, except as provided under s. 48.715 (6) and (7), if the child welfare agency, shelter care facility, group home or day care center meets the minimum requirements for a license established under s. 48.67, the department shall issue a license under s. 48.66 (1). A probationary license issued under this section may be renewed for one 6−month period.

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

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

SECTION 190m. 48.72 of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

48.72 Appeal procedure. Except as provided in s. 48.715 (6) and (7), any person aggrieved by the department's refusal or failure to issue, renew or continue a license or by any action taken by the department under s. 48.715 has the right to an administrative hearing provided for contested cases in ch. 227. To receive an administrative hearing under ch. 227, the aggrieved person shall send to the department a written request for a hearing under s. 227.44 within 10 days after the date of the department's refusal or failure to issue, renew or continue a license or the department's action taken under s. 48.715. The department shall hold an administrative hearing under s. 227.44 within 30 days after receipt of the request for the administrative hearing unless the aggrieved person consents to an extension of that time period. Judicial review of the department's decision may be had as provided in ch. 227.

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

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

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

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

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

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

SECTION 193e. 49.155 (1m) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

49.155 **(1m)** (b) (intro.) ~~The~~ Except as provided in par. (bm), the individual meets the eligibility criteria under all of the following:

SECTION 193f. 49.155 (1m) (bm) of the statutes is created to read:

49.155 **(1m)** (bm) If the individual is providing care for a child under a court order and is receiving payments on behalf of the child under s. 48.57 (3m), or if the individual is a foster parent or treatment foster parent, and child care is needed for that child, the individual meets the requirement under s. 49.145 (2) (c).

SECTION 193g. 49.155 (1m) (c) 1g. and 1h. of the statutes are created to read:

49.155 **(1m)** (c) 1g. The individual is a foster parent of the child and the child's biological or adoptive family meets the asset limit under s. 49.145 (3) (a) and has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. to 3.

1h. The individual is a relative of the child, is providing care for the child under a court order and is receiving payments under s. 48.57 (3m) on behalf of the child and the child's biological or adoptive family meets the asset limit under s. 49.145 (3) (a) and has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. to 3.

SECTION 193m. 49.175 (1) (w) 2. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

49.175 **(1)** (w) 2. 'Children of recipients of supplemental security income.' For payments made under s. 49.775 for the support of the dependent children of recipients of supplemental security income, ~~$1,570,700~~ $5,550,200 in fiscal year 1997−98 and ~~$458,800~~ $13,260,000 in fiscal year 1998−99.

SECTION 194b. 49.22 (2m) (a) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

49.22 **(2m)** (a) The department may request from any person in this state ~~any~~ information it determines appropriate and necessary for the administration of this section, ss. ~~49.145~~ 49.141 to 49.161, 49.19, 49.46, 49.468 and 49.47 and programs carrying out the purposes of 7 USC 2011 to 2029. Unless access to the information is prohibited or restricted by law, or unless the person has good cause, as determined by the department in accordance with federal law and regulations, for refusing to cooperate, the person shall make a good faith effort to provide this information within 7 days after receiving a request under this paragraph. Except as provided in ~~sub.~~ subs. (2p) and (2r) and subject to sub. (12), the department or the county child support agency under s. 59.53 (5) may disclose information obtained under this paragraph only in the administration of this section, ss. ~~49.145~~ 49.141 to 49.161, 49.19, 49.46 and 49.47 and programs carrying out the purposes of 7 USC 2011 to 2029. Employes of the department or a county child support agency under s. 59.53 (5) are subject to s. 49.83.

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

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

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

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

SECTION 196m. 49.32 (10m) (a) of the statutes is amended to read:

49.32 **(10m)** (a) A county department ~~or~~, relief agency under s. 49.01 (3m) or Wisconsin works agency shall, upon request, and after providing the notice to the recipient required by this paragraph, release the current address of a recipient of relief under s. 49.01 (3) ~~or~~, aid to families with dependent children or benefits under s. 49.148 to a person, the person's attorney or an employe or agent of that attorney, if the person is a party to a legal action or proceeding in which the recipient is a party or a witness, unless the person is a respondent in an action commenced by the recipient under s. 813.12, 813.122, 813.123, 813.125 or 813.127. If the person is a respondent in an action commenced by the recipient under s. 813.12, 813.122, 813.123, 813.125 or 813.127, the county department ~~or~~, relief agency or Wisconsin works agency may not release the current address of the recipient. No county department ~~or~~, relief agency or Wisconsin works agency may release an address under this paragraph until 21 days after the address has been requested. A person requesting an address under this paragraph shall be required to prove his or her identity and his or her participation as a party in a legal action or proceeding in which the recipient is a party or a witness by presenting a copy of the pleading or a copy of the subpoena for the witness. The person shall also be required to sign a statement setting forth his or her name, address and the reasons for making the request and indicating that he or she understands the provisions of par. (b) with respect to the use of the information obtained. The statement shall be made on a form prescribed by the department and shall be sworn and notarized. Within 7 days after an address has been requested under this paragraph, the county department ~~or~~, relief agency or Wisconsin works agency shall mail to each recipient whose address has been requested a notification of that fact on a form prescribed by the department. The form shall also include the date on which the address was requested, the name and address of the person who requested the disclosure of the address, the reason that the address was requested and a statement that the address will be released to the person who requested the address no sooner than 21 days after the date on which the request for the address was made. County departments ~~and~~, relief agencies and Wisconsin works agencies shall keep a record of each request for an address under this paragraph.

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

SECTION 199m. 49.45 (2) (a) 24. of the statutes is created to read:

49.45 **(2)** (a) 24. In consultation with hospitals, health maintenance organizations, county departments of social

services and of human services and other interested parties, develop and, not later than January 1, 1999, implement a process for expediting medical assistance eligibility determinations for persons in urgent medical situations. The department shall promulgate any rules necessary for the implementation of that process.

SECTION 203g. 49.45 (6v) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

Vetoed In Part

49.45 **(6v)** (b) The department shall, by October 1 of each year, submit to the joint committee on finance a report for the previous fiscal year, except for the 1997−98 fiscal year, that provides information on the utilization of beds by recipients of medical assistance in facilities.

Vetoed In Part

SECTION 203h. 49.45 (6v) (c) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

49.45 **(6v)** (c) If the report specified in par. (b) indicates that utilization of beds by recipients of medical assistance in facilities decreased, the department shall include a proposal to transfer from the appropriation under s. 20.435 (5) (b) to the appropriation under s. 20.435 (7) ~~(bd)~~ (bb) for the purpose of increasing funding for the community options program under s. 46.27. The secretary shall transfer the amount identified under the proposal if within 14 working days after the submission of the proposal the joint committee on finance does not schedule a meeting for the purpose of reviewing the proposed action.

SECTION 203i. 49.45 (6v) (d) of the statutes is created to read:

49.45 **(6v)** (d) The joint committee on finance may approve or modify any proposal submitted by the department under this subsection.

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

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

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

49.46 **(1m)** PILOT PROJECT FOR WORKING RECIPIENTS OF SUPPLEMENTAL SECURITY INCOME OR SOCIAL SECURITY DISABILITY INCOME. The department shall request that the secretary of the federal department of health and human services and the commissioner of the federal social security administration waive the income and asset requirements for recipients of benefits under federal Title II or XVI to allow the department to conduct a pilot project to allow those recipients to work without losing eligibility for benefits under federal Title II or XVI or for medical assistance or medicare, as defined in s. 49.45 (3) (L) 1. b. If the request is approved, the department may implement the program and may require participants in the program to pay, on a sliding scale, a copayment for the cost of the program.

SECTION 206b. 49.665 (1) (d) of the statutes, as created by 1997 Wisconsin Act 27, is repealed and recreated to read:

49.665 **(1)** (d) "Family" means a unit that consists of at least one dependent child and his or her custodial parent or parents. "Family" includes the spouse of an individual who is a custodial parent if the spouse resides in the same household as the individual.

SECTION 206m. 49.775 (2) (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

49.775 **(2)** SUPPLEMENTAL PAYMENTS. (intro.) Subject to sub. (3), ~~from the appropriations under s. 20.435 (7) (ed) and (ky),~~ the department shall make a monthly payment in the amount specified in sub. (4) to a custodial parent for the support of each dependent child of the custodial parent if all of the following conditions are met:

SECTION 206n. 49.775 (4) (a) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 49.775 (4) and amended to read:

49.775 **(4)** PAYMENT AMOUNT. ~~Except as provided in par. (b), the~~ The payment under sub. (2) is ~~$77~~ $100 per month per dependent child.

SECTION 206p. 49.775 (4) (b) of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

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

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

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

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

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

49.855 **(3)** Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past support,

medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the obligor may request a hearing before the circuit court rendering the order. Within 10 days after receiving a request for hearing under this subsection, the court shall set the matter for hearing. Pending further order by the court or family court commissioner, the clerk of circuit court or county support collection designee under s. 59.53 (5m) is prohibited from disbursing the obligor's state tax refund or credit. The family court commissioner may conduct the hearing. The sole issues at that hearing shall be whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld from a tax refund or credit shall be paid to the obligor or held for future support or maintenance. An obligor may, within 20 days of receiving notice that the amount certified shall be withheld from his or her federal tax refund or credit, request a hearing under this subsection.

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

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

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

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

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

49.855 **(4m)** (b) The department of revenue may provide a certification that it receives under sub. (1), (2m) or (2p) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. 46, 108 or 301, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past

support, medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. The family court commissioner may conduct the hearing. Pending further order by the court or family court commissioner, the department of workforce development or its designee, whichever is appropriate, may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or maintenance.

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

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

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

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

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

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

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

50.01 **(1e)** "Basic care" includes periodic skilled nursing services or physical, emotional, social or restorative care.

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

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

SECTION 217m. 50.01 (1s) of the statutes is created to read:

50.01 **(1s)** "Intensive skilled nursing care" means care requiring specialized nursing assessment skills and the performance of specific services and procedures that are complex because of the resident's condition or the type or number of procedures that are necessary, including any of the following:

(a) Direct patient observation or monitoring or performance of complex nursing procedures by registered nurses or licensed practical nurses on a continuing basis.

(b) Repeated application of complex nursing procedures or services every 24 hours.

(c) Frequent monitoring and documentation of the resident's condition and response to therapeutic measures.

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

50.01 **(1t)** "Intermediate level nursing care" means basic care that is required by a person who has a long−term illness or disability that has reached a relatively stable plateau.

SECTION 218m. 50.01 (1w) of the statutes is created to read:

50.01 **(1w)** "Licensed practical nurse" means a nurse who is licensed or has a temporary permit under s. 441.10.

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

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

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

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

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

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

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

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

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

SECTION 223m. 50.01 (5r) of the statutes is created to read:

50.01 **(5r)** "Registered nurse" means a nurse who is licensed under s. 441.06 or permitted under s. 441.08.

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

50.01 **(6)** "Resident" means a person who is cared for or treated in ~~any~~ and is not discharged from a nursing home ~~or~~ ,community−based residential facility or adult family home, irrespective of how admitted.

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

50.01 **(6v)** "Skilled nursing services" means those services, to which all of the following apply, that are provided to a resident under a physician's orders:

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

(b) Any of the following circumstances exist:

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

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

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

SECTION 225g. 50.02 (2) (bm) of the statutes is created to read:

50.02 **(2)** (bm) The department shall, by rule, define "intermediate nursing care", "limited nursing care" and "skilled nursing services" for use in regulating minimum hours of service provided to residents of nursing homes.

SECTION 225h. 50.02 (2) (bn) of the statutes is created to read:

50.02 **(2)** (bn) The department may, by rule, increase the minimum hours of nursing home care per day that are specified in s. 50.04 (2) (d) 1. to 3.

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

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

1. Subject to par. (b), a community−based residential facility may provide more than 3 hours of nursing care per week or care above intermediate level nursing care for not more than 30 days to a resident who does not have a terminal illness but who has a temporary condition that requires the care, if all of the following conditions apply:

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

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

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

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

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

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

3. A community−based residential facility may provide more than 3 hours of nursing care per week or care above intermediate level nursing care to a resident who

has a terminal illness and requires the care, under the following conditions:

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

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

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

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

SECTION 226bd. 50.04 (2) (d) of the statutes is created to read:

50.04 **(2)** (d) Each nursing home, other than nursing homes that primarily serve the developmentally disabled, shall provide at least the following hours of service by registered nurses, licensed practical nurses or nurse's assistants:

1. For each resident in need of intensive skilled nursing care, 3.25 hours per day, of which a minimum of 0.65 hour shall be provided by a registered nurse or licensed practical nurse.

2. For each resident in need of skilled nursing care, 2.5 hours per day, of which a minimum of 0.5 hour shall be provided by a registered nurse or licensed practical nurse.

3. For each resident in need of intermediate or limited nursing care, 2.0 hours per day, of which a minimum of 0.4 hour shall be provided by a registered nurse or licensed practical nurse.

SECTION 226bm. 50.04 (2v) of the statutes, as affected by 1997 Wisconsin Act 114, is renumbered 50.04 (2v) (intro.) and amended to read:

50.04 **(2v)** POSTING OF NOTICE REQUIRED. (intro.) A nursing home shall post in a conspicuous location in the nursing home ~~a~~ all of the following:

(a) A notice, provided by the board on aging and long−term care, of the name, address and telephone number of the long−term care ombudsman program under s. 16.009 (2) (b).

SECTION 226br. 50.04 (2v) (b) of the statutes is created to read:

50.04 **(2v)** (b) The most recent copy of the report for the nursing home that is specified under s. 50.095 (3).

SECTION 226c. 50.04 (4) (d) of the statutes is created to read:

50.04 **(4)** (d) *Suspension of admissions.* 1. The department shall suspend new admissions to a nursing home if all of the following apply:

a. The nursing home received notices of violation for a class "A" violation or 3 or more class "B" violations in the previous 12 months.

b. The nursing home received notices of violation for a class "A" violation or 3 or more class "B" violations in any 12−month period during the 3 years immediately preceding the period specified in subd. 1. a.

2. A suspension of admissions under subd. 1. shall begin 90 days after a nursing home received its last notice of violation for a class "A" or class "B" violation if the department determines that the violation remains uncorrected 90 days after the nursing home received the last notice of the violation. If the nursing home indicates to the department that the violation has been corrected, but the department is unable to verify that the violation has been corrected, a suspension of admissions under subd. 1. shall begin on the day that the department makes a return visit to the nursing home and determines that the violation has not been corrected. A suspension of admissions under subd. 1. shall remain in effect until the department determines that all class "A" and class "B" violations by the nursing home have been corrected. Admission of a new resident during the period for which admissions have been suspended constitutes a class "B" violation.

3. In determining whether subd. 1. applies, the department may not consider a notice of violation found to be unjustified after hearing.

4. If the department suspends new admissions to a nursing home under this paragraph, the department shall publish a class 1 notice under ch. 985 in a newspaper likely to give notice in the area where the nursing home is located.

SECTION 226d. 50.04 (5) (a) 1., 2. and 3. (intro.) of the statutes are amended to read:

50.04 **(5)** (a) 1. A class "A" violation may be subject to a forfeiture of not more than ~~$5,000~~ $10,000 for each violation.

2. A class "B" violation may be subject to a forfeiture of not more than ~~$1,000~~ $5,000 for each violation.

3. (intro.) A class "C" violation may be subject to a forfeiture of not more than ~~$100~~ $500. No forfeiture may be assessed for a class "C" violation unless at least one of the following applies:

SECTION 226e. 50.04 (5) (a) 5. of the statutes is repealed and recreated to read:

50.04 **(5)** (a) 5. a. A nursing home that violates a statute or rule resulting in a class "A" violation and that has received a notice of violation for a class "A" violation within the previous 3−year period shall be subject to a

forfeiture 3 times the amount authorized for a class "A" violation.

b. Except as provided in subd. 5. a., a nursing home that violates a statute or rule resulting in a class "A" or class "B" violation and that has received a notice of violation of the same statute or rule within the previous 3−year period may be subject to a forfeiture 3 times the amount authorized for a class "B" violation.

c. A notice of violation found to be unjustified after hearing may not be considered in applying this subdivision.

d. The forfeiture amount that is tripled under this subdivision shall be the amount assessed after all appeals have been exhausted. If an assessment of forfeiture is not contested and the forfeiture is paid as provided in par. (fm), the forfeiture amount that is tripled is the amount assessed after the reduction specified in par. (fm).

SECTION 226f. 50.04 (5) (a) 6. of the statutes is amended to read:

50.04 **(5)** (a) 6. If a licensee fails to correct a violation within the time specified in the notice of violation or approved plan of correction, or within the extended correction time granted under sub. (4) (c) 4., or if a violation continues after a report of correction, ~~a separate forfeiture may be assessed~~ the department may assess upon the licensee ~~in an amount not to exceed~~ a separate forfeiture of not more than $10,000 for class "A" violations, and may assess a separate forfeiture of not more than $5,000 for class "B" violations, for each day of continuing violation~~, $5,000 for class "A" violations and $1,000 for class "B" violations~~.

SECTION 226g. 50.04 (5) (fm) of the statutes is created to read:

50.04 **(5)** (fm) *Forfeiture reduction for timely payment.* If a nursing home does not contest a notice of violation under sub. (4) (e) and does not contest an assessment of forfeiture under par. (e) for a class "A" or class "B" violation and pays the forfeiture to the department within 10 days after receipt of the notice of assessment, the department shall reduce the amount of the assessment by 35%.

SECTION 226h. 50.04 (5) (fr) of the statutes is created to read:

50.04 **(5)** (fr) *Report to the legislature.* Annually, the department shall submit a report to the legislature under s. 13.172 (2) that specifies for the previous year the number of class "A" violations, the amount of the forfeiture assessment for each of those violations and, if known, the amount of the forfeiture actually paid and collected with respect to those violations. The report shall also include an explanation for any assessment that was less than $2,500 for the violations specified in the report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50.065 **(2)** (am) 5. Information maintained by the department under this section regarding any denial to the person of a license, certification, certificate of approval or registration or of a continuation of a license, certification, certificate of approval or registration to operate an entity for a reason specified in par. (a) 1. to 5. and regarding any denial to the person of employment at, a contract with or permission to reside at an entity for a reason spec-

ified in par. (ag) 1. to 5. If the information obtained under this subdivision indicates that the person has been denied a license, certification, certificate of approval or registration, continuation of a license, certification, certificate of approval or registration, a contract, employment or permission to reside as described in this subdivision, the department need not obtain the information specified in subds. 1. to 4.

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

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

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

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

SECTION 239. 50.065 (2) (b) 3. of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 50.065 (2) (bd) and amended to read:

50.065 **(2)** (bd) ~~Subdivision 1. does not apply~~ Notwithstanding pars. (am) and (b) 1., the department is not required to obtain the information specified in par. (am) 1. to 5., and an entity is not required to obtain the information specified in par. (b) 1. a. to e., with respect to a person under 18 years of age whose background information form under sub. (6) (am) indicates that the person is not ineligible to be employed, contracted with or permitted to reside at ~~the~~ an entity for a reason specified in par. (ag) 1. to 5. and with respect to whom the department or entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with or permitted to reside at ~~the~~ an entity for any of those reasons. This paragraph does not preclude the department from obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect to a person described in this paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

SECTION 240. 50.065 (2) (bg) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 241. 50.065 (2) (c) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

50.065 **(2)** (c) If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be employed~~,~~ or contracted with ~~or permitted to reside at an entity~~ for a reason specified in par. (ag) 1. to 5., an entity may employ or contract with the person ~~or permit the person to reside at the entity~~ for not more than 60 days pending the receipt of the information sought under par. (b) 1. If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be permitted to reside at an entity for a reason specified in par. (ag) 1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity for any of those reasons, the entity may permit the person to reside at the entity for not more than 60 days pending receipt of the information sought under par. (am). An entity shall provide supervision for a person who is employed or contracted with or permitted to reside as permitted under this paragraph.

SECTION 242. 50.065 (3) (a) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 243. 50.065 (3) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 244. 50.065 (3m) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

50.065 **(3m)** Notwithstanding subs. (2) (b) 1. and (3) (b), if the department obtains the information required under sub. (2) (am) or (3) (a) with respect to a person specified in sub. (2) (a) (intro.) and that person is also an employe, contractor or nonclient resident of the entity, the entity is not required to obtain the information specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

SECTION 245. 50.065 (5) (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 247. 50.065 (5m) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

50.065 **(5m)** Notwithstanding s. 111.335, the department may refuse to license, certify or register, or issue a certificate of approval to, a person to operate an entity, and an entity may refuse to employ, contract with or permit to reside at the entity a person specified in sub. (2) (ag) (intro.), if the person has been convicted of an offense that the department has not defined as a "serious crime" by rule promulgated under sub. (7) (a), or specified in the list established by rule under sub. (7) (b), but that is, in the estimation of the department or entity, substantially related to the care of a client.

SECTION 248. 50.065 (6) (a) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 249. 50.065 (6) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 250. 50.065 (7) (a) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

50.065 **(7)** (a) Establish by rule a definition of "serious crime" for the purpose of this section. The definition shall include only crimes or acts that are substantially related to the care of a client. The definition shall also include those offenses specified in sub. (5) (a) to (e) and ~~shall include~~ classes of crimes or acts involving abuse or neglect of a client or misappropriation of the property of a client for which no person who has committed any of those crimes or acts may be permitted to demonstrate under sub. (5) that he or she has been rehabilitated. ~~The definition may also include other crimes or acts that do not involve abuse or neglect of a client but that are substantially related to the care of a client for which no person who committed any of those crimes or acts may be permitted to demonstrate under sub. (5) that he or she has been rehabilitated.~~

SECTION 251g. 50.095 (3) (intro.) of the statutes, as affected by 1997 Wisconsin Act 114, is amended to read:

50.095 **(3)** (intro.) ~~The~~ By July 1, 1998, and annually thereafter, the department shall provide each nursing home and the office of the long−term care ombudsman with a report that includes the following information for the nursing home:

SECTION 251h. 50.095 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 114, is repealed.

SECTION 251i. 50.095 (3) (am) of the statutes, as affected by 1997 Wisconsin Act 114, is created to read:

50.095 **(3)** (am) The ratio of nursing staff available to residents per shift at each skill level for the previous year for the nursing home, under criteria that the department shall promulgate as rules.

SECTION 251j. 50.095 (3) (b) of the statutes, as affected by 1997 Wisconsin Act 114, is amended to read:

50.095 **(3)** (b) The staff replacement rates for full−time and part−time nursing staff, nurse's assistants and administrators for the previous year for the nursing home and for all similar nursing homes in the same geographical area, as determined by the department.

SECTION 251k. 50.095 (3) (c) of the statutes, as affected by 1997 Wisconsin Act 114, is amended to read:

50.095 **(3)** (c) Violations of statutes or rules by the nursing home during the previous year for the nursing home and for all similar nursing homes in the same geographical area, as determined by the department.

SECTION 251L. 50.095 (3m) of the statutes, as affected by 1997 Wisconsin Act 114, is created to read:

50.095 **(3m)** The department shall prepare a simplified summary of the information required under sub. (3) (am) to (c), as specified by rule by the department. The summary shall be on one sheet of paper and shall be in language that is easily understood by laypersons. The summary shall state that a complete copy of the most recent report of inspection of the nursing home is available from the department, upon request, for a minimal fee.

SECTION 251m. 50.095 (4) of the statutes, as affected by 1997 Wisconsin Act 114, is amended to read:

50.095 **(4)** Upon receipt of a report under sub. (3), the nursing home shall make the report available to any person requesting the report. Upon receipt of a summary under sub. (3m), the nursing home shall provide a copy of the summary to every resident of the nursing home and his or her guardian, if any, to every prospective resident of the nursing home, if any, and to every person who accompanies a prospective resident or acts as the prospective resident's representative, as defined in s. 655.001 (12), if any.

SECTION 252. 50.33 (1) of the statutes is renumbered 50.33 (1r).

SECTION 253. 50.33 (1g) of the statutes is created to read:

50.33 **(1g)** "Critical access hospital" means a hospital that is designated by the department as meeting the requirements of 42 USC 1395i−4 (c) (2) (B) and is federally certified as meeting the requirements of 42 USC 1395i−4 (e).

SECTION 254. 50.33 (2) (c) of the statutes is amended to read:

50.33 **(2)** (c) "Hospital" includes "special hospitals" or those hospital facilities ~~providing primarily one~~ that provide a limited type of medical or surgical care ~~such as, but not in limitation thereof~~, including orthopedic hospitals, children's hospitals, critical access hospitals, mental hospitals, psychiatric hospitals or maternity hospitals.

SECTION 255. 50.35 of the statutes, as affected by 1997 Wisconsin Act 93, is amended to read:

50.35 Application and approval. Application for approval to maintain a hospital shall be made to the department on forms provided by the department. On receipt of an application, the department shall, except as provided in s. 50.498, issue a certificate of approval if the applicant and hospital facilities meet the requirements established by the department. ~~This~~ Except as provided in s. 50.498, this approval shall be in effect until, for just cause and in the manner herein prescribed, it is suspended or revoked. The certificate of approval may be issued only for the premises and persons or governmental unit named in the application and is not transferable or assignable. The department shall withhold, suspend or revoke approval for a failure to comply with s. 165.40 (6) (a) 1. or 2., but, except as provided in s. 50.498, otherwise may not withhold, suspend or revoke approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or the rules and standards adopted by the department after giving a reasonable notice, a fair hearing and a reasonable opportunity to comply. Failure by a hospital to comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply under this section.

SECTION 256. 50.49 (6) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

50.49 **(6)** (a) ~~The~~ Except as provided in s. 50.498, the department shall issue a home health agency license if the applicant is fit and qualified, and if the home health agency meets the requirements established by this section. The department, or its designated representatives, shall make such inspections and investigations as are necessary to determine the conditions existing in each case and file written reports. Each licensee shall annually file a report with the department.

SECTION 257. 50.49 (6) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

50.49 **(6)** (b) A home health agency license is valid until suspended or revoked, except as provided in s. 50.498.

SECTION 258. 50.49 (10) of the statutes is amended to read:

50.49 **(10)** PROVISIONAL LICENSES. ~~A~~ Except as provided in s. 50.498, a provisional license if approved by the department may be issued to any home health agency, the facilities of which are in use or needed for patients, but which is temporarily unable to conform to all the rules established under this section. A provisional license may not be issued for more than one year.

SECTION 259. 50.498 of the statutes is created to read:

50.498 Denial, nonrenewal and revocation of license, certification or registration based on tax delinquency. (1) The department shall require each applicant to provide the department with his or her social security number, if the applicant is an individual, or the applicant's federal employer identification number, if the applicant is not an individual, as a condition of issuing any of the following:

(a) A certificate of approval under s. 50.35.

(b) A license under s. 50.49 (6) (a).

(c) A provisional license under s. 50.49 (10).

(2) The department may not disclose any information received under sub. (1) to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(3) The department shall deny an application for the issuance of a certificate of approval, license or provisional license specified in sub. (1) if the applicant does not provide the information specified in sub. (1).

(4) The department shall deny an application for the issuance of a certificate of approval, license or provisional license specified in sub. (1) or shall revoke a certificate of approval, license or provisional license specified in sub. (1), if the department of revenue certifies under s. 73.0301 that the applicant for or holder of the certificate of approval, license or provisional license is liable for delinquent taxes.

(5) An action taken under sub. (3) or (4) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

SECTION 260. 50.50 (1m) of the statutes is created to read:

50.50 **(1m)** "Critical access hospital" has the meaning given in s. 50.33 (1g).

SECTION 261. 50.50 (3) (a) 6. of the statutes is amended to read:

50.50 **(3)** (a) 6. A ~~rural primary care~~ critical access hospital.

SECTION 262. 50.50 (6) of the statutes is amended to read:

50.50 **(6)** "Hospital" has the meaning given in s. 50.33 (2) (a) or (b), except that "hospital" does not include a ~~rural primary care~~ critical access hospital.

SECTION 263. 50.50 (12) of the statutes is repealed.

SECTION 264. 50.52 (2) (c) 3. of the statutes is amended to read:

50.52 **(2)** (c) 3. Is a ~~rural primary care~~ critical access hospital.

SECTION 265. 50.56 (4) of the statutes is created to read:

50.56 **(4)** This subchapter may not be construed to limit a health care service that is included in a rural medical center from any tax−exempt financing or reimbursement, insurance, payment for services or other advantage for which a health care service that is not included in a rural medical center is eligible.

SECTION 266. 51.032 of the statutes is created to read:

51.032 Denial and revocations of certification or approval based on tax delinquency. (1) The department shall require each applicant to provide the department with his or her social security number, if the applicant is an individual, or the applicant's federal employer identification number, if the applicant is not an individual, as a condition of issuing any of the following:

(a) A certification issued under s. 51.038.

(b) A certification issued under s. 51.04.

(c) A certification issued under rules required under s. 51.42 (7) (b) 11.

(d) A certification issued under rules required under s. 51.421 (3) (a).

(e) An approval issued under s. 51.45 (8).

(2) The department may not disclose any information received under sub. (1) to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(3) The department shall deny an application for the issuance of a certification or approval specified in sub. (1) if the applicant does not provide the information specified in sub. (1).

(4) The department shall deny an application for the issuance of a certification or approval specified in sub. (1) or shall revoke a certification or approval specified in sub. (1) if the department of revenue certifies under s. 73.0301 that the applicant for or holder of a certification or approval is liable for delinquent taxes.

(5) An action taken under sub. (3) or (4) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

SECTION 267. 51.038 of the statutes is amended to read:

51.038 Outpatient mental health clinic certification. ~~If~~ Except as provided in s. 51.032, if a facility that provides mental health services on an outpatient basis holds current accreditation from the council on accreditation of services for families and children, the department may accept evidence of this accreditation as equivalent to the standards established by the department, for the purpose of certifying the facility for the receipt of funds for services provided as a benefit to a medical assistance recipient under s. 49.46 (2) (b) 6. f., a community aids funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

SECTION 268. 51.04 of the statutes is amended to read:

51.04 Treatment facility certification. ~~Any~~ Except as provided in s. 51.032, any treatment facility may apply to the department for certification of the facility for the receipt of funds for services provided as a benefit to a medical assistance recipient under s. 49.46 (2) (b) 6. f. or to a community aids funding recipient under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The department shall annually charge a fee for each certification.

SECTION 268f. 51.20 (7) (am) of the statutes is amended to read:

51.20 **(7)** (am) A subject individual may not be examined, evaluated or treated for a nervous or mental disorder pursuant to a court order under this subsection unless the court first attempts to determine whether the person is an ~~enrolled participant~~ enrollee of a health maintenance organization, limited service health organization or preferred provider plan, as defined in s. 609.01, and, if so, notifies the organization or plan that the subject individual is in need of examination, evaluation or treatment for a nervous or mental disorder.

SECTION 268m. 51.30 (4) (a) of the statutes is amended to read:

51.30 **(4)** (a) *Confidentiality of records.* Except as otherwise provided in this chapter and ss. 118.125 (4), 905.03 and 905.04, all treatment records shall remain confidential and are privileged to the subject individual. Such records may be released only to the persons designated in this chapter or ss. 118.125 (4), 905.03 and 905.04, or to other designated persons with the informed written consent of the subject individual as provided in this section. This restriction applies to elected officials and to members of boards appointed under s. 51.42 (4) (a) or 51.437 (7) (a).

SECTION 269. 51.42 (7) (b) 11. (intro.) of the statutes is amended to read:

51.42 **(7)** (b) 11. (intro.) Prescribe requirements for certification of community mental health programs,

except as provided in s. 51.032, including all of the following:

SECTION 270. 51.421 (3) (a) of the statutes is amended to read:

51.421 **(3)** (a) Promulgate rules establishing standards for the certified provision of community support programs by county departments under s. 51.42, except as provided in s. 51.032. The department shall establish standards that ensure that providers of services meet federal standards for certification of providers of community support program services under the medical assistance program, 42 USC 1396 to 1397e. The department shall develop the standards in consultation with representatives of county departments under s. 51.42, elected county officials and consumer advocates.

SECTION 271. 51.45 (8) (a) of the statutes is amended to read:

51.45 **(8)** (a) The department shall establish minimum standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility, except as provided in s. 51.032, and fix the fees to be charged by the department for the required inspections. The standards may concern only the health standards to be met and standards of treatment to be afforded patients and shall distinguish between facilities rendering different modes of treatment. In setting standards, the department shall consider the residents' needs and abilities, the services to be provided by the facility, and the relationship between the physical structure and the objectives of the program. Nothing in this subsection shall prevent county departments from establishing reasonable higher standards.

SECTION 272. 51.45 (8) (e) of the statutes is amended to read:

51.45 **(8)** (e) The department, after notice and hearing, may under this subsection suspend, revoke, limit, or restrict an approval, or refuse to grant an approval, for failure to meet its standards.

SECTION 273. 51.45 (8) (f) of the statutes is amended to read:

51.45 **(8)** (f) The circuit court may restrain any violation of this section, review any denial, restriction~~,~~ or revocation of approval under this subsection, and grant other relief required to enforce its provisions.

SECTION 274. 55.06 (6) of the statutes is amended to read:

55.06 **(6)** Section 880.33 (2) applies to all hearings under this chapter except for transfers of placement under sub. (9) (b), (c) and (e). A person to be protected shall have a guardian ad litem who is an attorney appointed in accordance with s. 757.48 (1) present at all hearings under this chapter if the person does not have full legal counsel. The court may, however, excuse a personal appearance by a guardian ad litem based on information contained in a written report by the guardian ad litem to the court. If the person is an adult who is indigent, the county of legal settlement shall be liable for guardian ad litem fees. If the person is a child, the person's parents or the county of legal settlement shall be liable for guardian ad litem fees as provided in s. 48.235 (8). The subject individual, attorney or guardian ad litem shall have the right to present and cross−examine witnesses, including any person making an evaluation or review under sub. (8) (c).

SECTION 275. 55.06 (9) (b) of the statutes is amended to read:

55.06 **(9)** (b) Transfer may be made between placement units or from a placement unit to a medical facility other than those specified in pars. (c) to (e) by a guardian or placement facility without approval by a court. When transfer is made by a placement facility, 24 hours' prior written notice of the transfer shall be provided to the guardian, when feasible. If it is not feasible to notify the guardian in advance, written notice shall be provided immediately upon transfer, and notice shall also be provided to the court and to the board designated under s. 55.02 or an agency designated by it within a reasonable time, not to exceed 48 hours from the time of the transfer. Upon petition to a court by a guardian, ward, or attorney, or other interested person specifying objections to a transfer, the court shall order a hearing, within 96 hours after filing of the petition, to determine whether there is probable cause to believe that the transfer is consistent with the requirements specified in par. (a) and is necessary for the best interests of the ward. The court shall notify the ward, guardian and petitioner of the time and place of the hearing, and a guardian ad litem shall be appointed to represent the ward. If the person is an adult who is indigent, the county of legal settlement shall be liable for guardian ad litem fees. If the person is a child, the person's parents or the county of legal settlement shall be liable for guardian ad litem fees as provided in s. 48.235 (8). The petitioner, ward and guardian shall have the right to attend, and to present and cross−examine witnesses.

SECTION 275p. 59.25 (3) (f) 2. of the statutes, as affected by 1997 Wisconsin Act 27, section 2160p, and 1997 Wisconsin Act 135, is amended to read:

59.25 **(3)** (f) 2. For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the

amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required by s. 29.9965 for the wild animal protection assessment, the amounts required by s. 29.997 for the natural resources assessment surcharge, the amounts required by s. 29.9967 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required by s. 29.998 for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions entered during the preceding month on or before the first day of the next succeeding month, certified by the county treasurer's personal signature affixed or attached thereto, and at the same time pay to the state treasurer the amount thereof.

SECTION 275r. 59.40 (2) (m) of the statutes, as affected by 1997 Wisconsin Act 27, section 2163p, and 1997 Wisconsin Act 135, is amended to read:

59.40 **(2)** (m) Pay monthly to the treasurer for the use of the state the state's percentage of the fees required to be paid on each civil action, criminal action and special proceeding filed during the preceding month and pay monthly to the treasurer for the use of the state the percentage of court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts required by s. 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required under s. 29.9965 for the wild animal protection assessment, the amounts required under s. 29.997 (1) (d) for the natural resources assessment surcharge, the amounts required by s. 29.9967 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required under s. 29.998 (1) (d) for the natural resources restitution payments. The payments shall be made by the 15th day of the month following receipt thereof.

SECTION 276. 59.52 (4) (a) 18. of the statutes is amended to read:

59.52 **(4)** (a) 18. Case records and other record material of all public assistance that are kept as required under ch. 49, if no payments have been made for at least 3 years and if a face sheet or similar record of each case and a financial record of all payments for each aid account are preserved in accordance with rules adopted by the department of health and family services or by the department of workforce development. If the department of health and family services or the department of workforce development has preserved such case records and other record material on computer disc or tape or similar device, a county may destroy the original records and record material under rules adopted by the department that has preserved those case records or other record material.

SECTION 276be. 59.56 (4) of the statutes is amended to read:

59.56 **(4)** (title) UNIVERSITY ~~CENTERS~~ COLLEGE CAMPUSES. The board may appropriate money for the construction, remodeling, expansion, acquisition or equipping of land, buildings and facilities for a university of Wisconsin ~~center~~ college campus, as defined in s. 36.05 (6m), if the operation of it has been approved by the board of regents.

SECTION 276bm. 60.23 (25) of the statutes, as affected by 1997 Wisconsin Act 155, is amended to read:

60.23 **(25)** SELF–INSURED HEALTH PLANS. Provide health care benefits to its officers and employes on a self–insured basis if the self–insured plan complies with ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) and (11) to (13) and 632.896.

SECTION 276c. 60.79 (2) (c) of the statutes is amended to read:

60.79 **(2)** (c) The city or village and the town sanitary district shall divide the assets and liabilities of the town sanitary district under s. 66.03 or by entering into an intergovernmental cooperation agreement under s. 66.30, except that the ownership of any water or sewerage system shall be determined under par. (dm).

SECTION 276g. 62.50 (17) (title) of the statutes is amended to read:

62.50 **(17)** (title) DECISION, STANDARD TO APPLY.

SECTION 276h. 62.50 (17) of the statutes is renumbered 62.50 (17) (a) and amended to read:

62.50 **(17)** (a) Within 3 days after hearing the matter the board shall, by a majority vote of its members and subject to par. (b), determine whether by a preponderance of the evidence the charges are sustained. If the board determines that the charges are sustained, the board shall at once determine whether the good of the service requires that the accused be permanently discharged or be suspended without pay for a period not exceeding 60 days or reduced in rank. If the charges are not sustained the accused shall be immediately reinstated in his or her former position, without prejudice. The decision and findings of the board shall be in writing and shall be filed, together with a transcript of the evidence, with the secretary of the board.

SECTION 276i. 62.50 (17) (b) of the statutes is created to read:

62.50 **(17)** (b) No police officer may be suspended, reduced in rank, suspended and reduced in rank, or discharged by the board under sub. (11), (13) or (19), or under par. (a), based on charges filed by the board, members of the board, an aggrieved person or the chief under sub. (11), (13) or (19), or under par. (a), unless the board determines whether there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the board shall apply the following standards, to the extent applicable:

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.

2. Whether the rule or order that the subordinate allegedly violated is reasonable.

3. Whether the chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.

4. Whether the effort described under subd. 3. was fair and objective.

5. Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.

6. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.

7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.

SECTION 276j. 62.50 (19) of the statutes is amended to read:

62.50 **(19)** CHARGES BY AGGRIEVED PERSON. In cases where duly verified charges are filed by any aggrieved person with the board of fire and police commissioners, setting forth sufficient cause for the removal of any member of either of the departments, including the chiefs or their assistants, the board or chief may suspend such member or officer pending disposition of such charges. The board shall cause notice of the filing of the charges with a copy to be served upon the accused and shall set a date for the trial and investigation of the charges, following the procedure under this section. The board shall decide by a majority vote and subject to the just cause standard described in sub. (17) (b) whether the charges are sustained. If sustained, the board shall immediately determine whether the good of the service requires that the accused be removed, suspended from office without pay for a period not exceeding 60 days or reduced in rank. If the charges are not sustained, the accused shall be immediately reinstated without prejudice. The secretary of the board shall make the decision public.

SECTION 276k. 62.50 (21) of the statutes is amended to read:

62.50 **(21)** CERTIFICATION AND RETURN OF RECORD; HEARING. Upon the service of the demand under sub. (20), the board upon which the service is made shall within 5 days thereafter certify to the clerk of the circuit court of the county all charges, testimony, and everything relative to the trial and discharge, suspension or reduction in rank of the member. Upon the filing of the return with the clerk of court, actions for review shall be given preference. Upon application of the discharged member or the board, the court shall fix a date for the trial which shall be no later than 15 days after the date of the application except upon agreement between the board and the discharged or suspended member. The action shall be tried by the court without a jury and shall be tried upon the return made by the board. In determining the question of fact presented, the court shall be limited in the review thereof to the question: "Under the evidence ~~was the decision of the board reasonable~~ is there just cause, as described in sub. (17) (b), to sustain the charges against the accused?" The court may require additional return to be made by the board, and may also require the board to take additional testimony and make return thereof.

SECTION 276m. 66.03 (2) (a) of the statutes is amended to read:

66.03 **(2)** (a) Except as otherwise provided in this section or in s. 60.79 (2) (c) when territory is transferred, in any manner provided by law, from one municipality to another, there shall be assigned to such other municipality such proportion of the assets and liabilities of the first municipality as the assessed valuation of all taxable property in the territory transferred bears to the assessed valuation of all the taxable property of the entire municipality from which said territory is taken according to the last assessment roll of such municipality. The clerk of any municipality to which territory is transferred as aforesaid, within 30 days of the effective date of such transfer, shall certify to the clerk of the municipality from which such territory was transferred and to the clerk of the school district in which such territory is located a metes and bounds description of the land area involved and upon receipt of such description the clerk of the municipality from which such territory was transferred shall certify to the department of revenue and to the clerk of the school district in

which such territory is located the latest assessed value of the real and personal property located within the transferred territory, and shall make such further reports as may be needed by the department of revenue in the performance of duties required by law.

SECTION 276o. 66.184 of the statutes, as affected by 1997 Wisconsin Acts 155 and 191, is amended to read:

66.184 Self−insured health plans. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employes on a self−insured basis, the self−insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to (13), 632.896, 767.25 (4m) (d), 767.51 (3m) (d) and 767.62 (4) (b) 4.

SECTION 277. 66.432 (1) of the statutes is amended to read:

66.432 **(1)** DECLARATION OF POLICY. The right of all persons to have equal opportunities for housing regardless of their sex, race, color, physical condition, disability as defined in s. 106.04 (1m) (g), sexual orientation as defined in s. 111.32 (13m), religion, national origin, marital status, family status as defined in s. 106.04 (1m) (k), lawful source of income, age or ancestry is a matter both of statewide concern under ~~s.~~ ss. 101.132 and 106.04 and also of local interest under this section and s. 66.433. The enactment of ~~s.~~ ss. 101.132 and 106.04 by the legislature shall not preempt the subject matter of equal opportunities in housing from consideration by political subdivisions, and shall not exempt political subdivisions from their duty, nor deprive them of their right, to enact ordinances which prohibit discrimination in any type of housing solely on the basis of an individual being a member of a protected class.

SECTION 278. 66.432 (2) of the statutes is amended to read:

66.432 **(2)** ANTIDISCRIMINATION HOUSING ORDINANCES. Political subdivisions may enact ordinances prohibiting discrimination in housing within their respective boundaries solely on the basis of an individual being a member of a protected class. Such an ordinance may be similar to ~~s.~~ ss. 101.132 and 106.04 (1) to (8) or may be more inclusive in its terms or in respect to the different types of housing subject to its provisions, but any such ordinance establishing a forfeiture as a penalty for violation shall not be for an amount that is less than the statutory forfeitures under s. 106.04. Such an ordinance may permit a complainant, aggrieved person or respondent to elect to remove the action to circuit court after a finding has been made that there is reasonable cause to believe that a violation of the ordinance has occurred. Such an ordinance may also authorize the political subdivision, at any time after a complaint has been filed alleging an ordinance violation, to file a complaint in circuit court seeking a temporary injunction or restraining order pending final disposition of the complaint.

SECTION 278c. 66.46 (4) (h) 1. of the statutes is amended to read:

66.46 **(4)** (h) 1. Subject to ~~subd. 2.~~ subds. 2. and 3., the planning commission may at any time, by resolution, adopt an amendment to a project plan, which amendment shall be subject to approval by the local legislative body and approval of the amendment shall require the same findings as provided in par. (g). Any amendment to a project plan is also subject to review by a joint review board, acting under sub. (4m). Adoption of an amendment to a project plan shall be preceded by a public hearing held by the plan commission at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment. Notice of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall include a statement of the purpose and cost of the amendment and shall advise that a copy of the amendment will be provided on request. Prior to such publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For any county with no chief executive officer or administrator, this notice shall be sent to the county board chairperson.

SECTION 278e. 66.46 (4) (h) 2. of the statutes is amended to read:

66.46 **(4)** (h) 2. ~~Not~~ Except as provided in subd. 3., not more than once during the 7 years after the tax incremental district is created, the planning commission may adopt an amendment to a project plan under subd. 1. to modify the district's boundaries by adding territory to the district that is contiguous to the district and that is served by public works or improvements that were created as part of the district's project plan. Expenditures for project costs that are incurred because of an amendment to a project plan to which this subdivision applies may be made for not more than 3 years after the date on which the local legislative body adopts a resolution amending the project plan.

SECTION 278f. 66.46 (4) (h) 3. of the statutes is created to read:

66.46 **(4)** (h) 3. With regard to a city that has a population of at least 10,000, was incorporated in 1875 and is located in only one county, not more than once during the 11 years after the tax incremental district is created, the planning commission may adopt an amendment to a project plan under subd. 1. to modify the district's boundaries by adding territory to the district that is contiguous to the district and that is to be served by public works or improvements that were created as part of the district's project plan. Expenditures for project costs that are incurred because of an amendment to a project plan to which this

subdivision applies may be made for not more than 5 years after the date on which the local legislative body adopts a resolution amending the project plan.

SECTION 278h. 66.46 (5) (c) of the statutes is amended to read:

66.46 **(5)** (c) If the city adopts an amendment to the original project plan for any district which includes additional project costs at least part of which will be incurred after the period specified in sub. (6) (am) 1., the tax incremental base for the district shall be redetermined, if sub. (4) (h) 2. or 3. applies to the amended project plan, by adding to the tax incremental base the value of the taxable property that is added to the existing district under sub. (4) (h) 2. or 3. or, if sub. (4) (h) 2. or 3. does not apply to the amended project plan, under par. (b), as of the January 1 next preceding the effective date of the amendment if the amendment becomes effective between January 2 and September 30, as of the next subsequent January 1 if the amendment becomes effective between October 1 and December 31 and if the effective date of the amendment is January 1 of any year, the redetermination shall be made on that date. The tax incremental base as redetermined under this paragraph is effective for the purposes of this section only if it exceeds the original tax incremental base determined under par. (b).

SECTION 278j. 66.46 (5) (ce) of the statutes is amended to read:

66.46 **(5)** (ce) If the city adopts an amendment, to which sub. (4) (h) 2. or 3. applies, the tax incremental base for the district shall be redetermined, by adding to the tax incremental base the value of the taxable property that is added to the existing district under sub. (4) (h) 2. or 3., as of the January 1 next preceding the effective date of the amendment if the amendment becomes effective between January 2 and September 30, as of the next subsequent January 1 if the amendment becomes effective between October 1 and December 31 and if the effective date of the amendment is January 1 of any year, the redetermination shall be made on that date. The tax incremental base as redetermined under this paragraph is effective for the purposes of this section only if it exceeds the original tax incremental base determined under par. (b).

SECTION 278L. 66.46 (6) (a) of the statutes is amended to read:

66.46 **(6)** (a) If the joint review board approves the creation of the tax incremental district under sub. (4m), positive tax increments with respect to a tax incremental district are allocated to the city which created the district for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue shall not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) have been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) shall not be subject to review by the department of revenue under this paragraph. Thereafter, the department of revenue shall annually authorize allocation of the tax increment to the city that created such a district until the department of revenue receives a notice under sub. (8) and the notice has taken effect under sub. (8) (b), 27 years after the tax incremental district is created if the district is created before October 1, 1995, 38 years after the tax incremental district is created if the district is created before October 1, 1995, and the project plan is amended under sub. (4) (h) 3. or 23 years after the tax incremental district is created if the district is created after September 30, 1995, whichever is sooner.

SECTION 278n. 66.46 (6) (am) 2. b. of the statutes is amended to read:

66.46 **(6)** (am) 2. b. Expenditures authorized by the adoption of an amendment to the project plan under sub. (5) (c) or (ce).

SECTION 278no. 66.46 (6) (dm) 1. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

66.46 **(6)** (dm) 1. After the date on which a tax incremental district that is located in a city that is described in subd. 3. a. pays off the aggregate of all of its project costs under its project plan, but not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) 1. the project plan of such a tax incremental district to allocate positive tax increments generated by that tax incremental district to another tax incremental district created by that planning commission in which soil affected by environmental pollution exists to the extent that development has not been able to proceed according to the project plan because of the environmental pollution.

SECTION 278noe. 66.46 (6) (dm) 1m. of the statutes is created to read:

66.46 **(6)** (dm) 1m. Either before, after or on the date on which a tax incremental district that is located in a city that is described in subd. 3. b. pays off the aggregate of all of its project costs under its project plan, but not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) 1. the project plan of such a tax incremental district to allocate positive tax increments generated by that tax incremental district to another tax incremental district created by that planning commission in which soil affected by environmental pollution exists to the extent that development has not been able to proceed according to the project plan because of the environmental pollution.

SECTION 278noi. 66.46 (6) (dm) 3. b. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

66.46 **(6)** (dm) 3. b. A city with a population of at least ~~55,000~~ 50,000 that was incorporated in 1853 and that is in a county ~~that was incorporated in 1840~~ which has a population of at least 140,000 and that contains a portion of the Fox River and Lake Winnebago.

SECTION 278nom. 66.46 (6) (dm) 4. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

66.46 **(6)** (dm) 4. This paragraph, with regard to a city that is described in subd. 3. a., does not apply after January 1, 2002.

SECTION 278non. 66.46 (6) (dm) 5. of the statutes is created to read:

66.46 **(6)** (dm) 5. This paragraph, with regard to a city that is described in subd. 3. b., does not apply after January 1, 2016.

SECTION 278p. 66.46 (7) (am) of the statutes is amended to read:

66.46 **(7)** (am) Sixteen years after the last expenditure identified in the project plan is made if the district to which the plan relates is created after September 30, 1995, or 20 years after the last expenditure identified in the project plan is made if the district to which the plan relates is created before October 1, 1995, except that in no case may the total number of years during which expenditures are made under ~~par.~~ sub. (6) (am) 1. plus the total number of years during which tax increments are allocated under this paragraph exceed 27 years.

SECTION 278q. 66.46 (7) (ar) of the statutes is created to read:

66.46 **(7)** (ar) Notwithstanding par. (am), 22 years after the last expenditure identified in the project plan is made if the district to which the plan relates is created before October 1, 1995, and the project plan is amended under sub. (4) (h) 3.

SECTION 278qm. 66.51 (1) (a) of the statutes is amended to read:

66.51 **(1)** (a) Every county or city, or both jointly, may construct, purchase, acquire, develop, improve, operate or maintain a county or city building, or both jointly, for a courthouse, safety building, city hall, hospital, armory, library, auditorium and music hall, municipal parking lots or other parking facilities, or municipal center or any combination thereof, or a university of Wisconsin ~~center~~ college campus, as defined in s. 36.05 (6m), if the operation of such ~~center~~ college campus has been approved by the board of regents of the university of Wisconsin system.

SECTION 278r. 67.05 (5) (b) of the statutes is amended to read:

67.05 **(5)** (b) No city or village may issue any bonds for any purposes other than for water systems, lighting works, gas works, bridges, street lighting, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and band shells thereon, veterans housing projects, paying the municipality's portion of the cost of abolishing grade crossings, for the construction of police facilities and combined fire and police safety buildings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for acquiring and developing sites for industry and commerce as will expand the municipal tax base, for financing the cost of low−interest mortgage loans under s. 66.38, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46 or for university of Wisconsin system ~~centers~~ college campuses, as defined in s. 36.05 (6m), until the proposition for their issue for the special purpose thereof has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the common council of any city or the village board of any village declares its purpose to raise money by issuing bonds for any purpose other than those above specified, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of submitting the question of bonding to the city or village electors. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition conforming to the requirements of s. 8.40 with the city or village clerk requesting submission of the resolution, the city or village may not issue bonds for financing the cost of low−interest mortgage loans under s. 66.38 without calling a special election to submit the question of bonding to the city or village electors for their approval.

SECTION 278s. 70.109 of the statutes is created to read:

70.109 Presumption of taxability. Exemptions under this chapter shall be strictly construed in every instance with a presumption that the property in question is taxable, and the burden of proof is on the person who claims the exemption.

SECTION 278t. 70.11 (intro.) of the statutes is amended to read:

70.11 Property exempted from taxation. (intro.) The property described in this section is exempted from general property taxes if the property is exempt under sub. (1), (2), (18), (21), (27) or (30); if it was exempt for the previous year and its use, occupancy or ownership did not change in a way that makes it taxable; if the property

was taxable for the previous year, the use, occupancy or ownership of the property changed in a way that makes it exempt and its owner, on or before March 1, files with the assessor of the taxation district where the property is located a form that the department of revenue prescribes or if the property did not exist in the previous year and its owner, on or before March 1, files with the assessor of the taxation district where the property is located a form that the department of revenue prescribes. Leasing a part of the property described in this section does not render it taxable if the lessor uses all of the leasehold income for maintenance of the leased property, construction debt retirement of the leased property or both and if the lessee would be exempt from taxation under this chapter if it owned the property. Any lessor who claims that leased property is exempt from taxation under this chapter shall, upon request by the tax assessor, provide records relating to the lessor's use of the income from the leased property. Property exempted from general property taxes is:

SECTION 278v. 70.11 (23) of the statutes is repealed.

SECTION 279. 70.11 (39) of the statutes is created to read:

70.11 **(39)** COMPUTERS. If the owner of the property fulfills the requirements under s. 70.35, mainframe computers, minicomputers, personal computers, networked personal computers, servers, terminals, monitors, disk drives, electronic peripheral equipment, tape drives, printers, basic operational programs, systems software, prewritten software and custom software. The exemption under this subsection does not apply to fax machines, copiers, equipment with embedded computerized components or telephone systems, including equipment that is used to provide telecommunications services, as defined in s. 76.80 (3).

SECTION 279be. 70.35 (1) of the statutes is amended to read:

70.35 **(1)** To determine the amount and value of any personal property for which any person, firm or corporation should be assessed, any assessor may examine such person or the managing agent or officer of any firm or corporation under oath as to all such items of personal property ~~and~~, the taxable value thereof as defined in s. 70.34 if the property is taxable and the fair market value if the property is exempt under s. 70.11 (39). In the alternative the assessor may require such person, firm or corporation to submit a return of such personal property and of the taxable value thereof. There shall be annexed to such return the declaration of such person or of the managing agent or officer of such firm or corporation that the statements therein contained are true.

SECTION 279bm. 70.35 (2) of the statutes is amended to read:

70.35 **(2)** The return shall be made and all the information therein requested given by such person on a form prescribed by the assessor with the approval of the department of revenue which shall provide suitable schedules for such information bearing on value as the department deems necessary to enable the assessor to determine the true cash value of the taxable personal property, and of the personal property that is exempt under s. 70.11 (39), that is owned or in the possession of such person on January 1 as provided in s. 70.10. The return may contain methods of deriving assessable values from book values and for the conversion of book values to present values, and a statement as to the accounting method used. No person shall be required to take detailed physical inventory for the purpose of making the return required by this section.

SECTION 279bp. 70.36 (1m) of the statutes is created to read:

70.36 **(1m)** Any person, firm or corporation that fails to include information on property that is exempt under s. 70.11 (39) on the report under s. 70.35 shall forfeit $10 for every $100 or major fraction thereof that is not reported.

SECTION 279bs. 70.365 of the statutes is amended to read:

70.365 (title) **Notice of ~~higher~~ changed assessment.** When the assessor ~~places a valuation of~~ assesses any taxable real property, or ~~of~~ any improvements taxed as personal property under s. 77.84 (1), ~~which is $300 or more higher~~ and arrives at a different total than the ~~valuation placed on~~ assessment of it for the previous year, the assessor shall notify the person assessed if the address of the person is known to the assessor, otherwise the occupant of the property. The notice shall be in writing and shall be sent by ordinary mail at least ~~10~~ 15 days before the meeting of the board of review or before the meeting of the board of assessors in 1st class cities and in 2nd class cities that have a board of assessors under s. 70.075 and shall contain the amount of the ~~increased~~ changed assessment and the time, date and place of the meeting of the local board of review or of the board of assessors. However, if the assessment roll is not complete, the notice shall be sent by ordinary mail at least ~~10~~ 15 days prior to the date to which the board of review has adjourned. The assessor shall attach to the assessment roll a statement that the notices required by this section have been mailed and failure to receive the notice shall not affect the validity of the ~~increased~~ changed assessment, the resulting ~~increased~~ changed tax, the procedures of the board of review or of the board of assessors or the enforcement of delinquent taxes by statutory means. The secretary of revenue shall by rule prescribe the form of the notice required under this section. The form shall include information notifying the taxpayer of the procedures to be used to object to the assessment.

SECTION 279bv. 70.375 (6) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

70.375 **(6)** INDEXING. ~~The~~ For calendar year 1983 and corresponding fiscal years and thereafter, the dollar amounts in sub. (5) and s. 70.395 (1) and (2) (d) 1m. and

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

SECTION 279c. 70.45 of the statutes is amended to read:

70.45 Return and examination of rolls. When the assessment rolls have been completed in cities of the 1st class, they shall be delivered to the commissioner of assessments, in all other cities to the city clerk, in villages to the village clerk and in towns to the town clerk. ~~These~~ At least 15 days before the first day on which the assessment rolls are open for examination, these officials shall have published a class 1 notice if applicable, or posted notice, under ch. 985, in anticipation of the roll delivery as provided in s. 70.50, that on certain days, therein named, the assessment rolls will be open for examination by the taxable inhabitants, which notice may assign a day or days for each ward, where there are separate assessment rolls for wards, for the inspection of rolls. The assessor shall be present for at least 2 hours while the assessment roll is open for inspection. Instructional material under s. 73.03 (52) shall be available at the meeting. On examination the commissioner of assessments, assessor or assessors may make changes that are necessary to perfect the assessment roll or rolls, and after the corrections are made the roll or rolls shall be submitted by the commissioner of assessments or clerk of the municipality to the board of review.

SECTION 279d. 70.46 (4) of the statutes is created to read:

70.46 **(4)** No board of review may be constituted unless it includes at least one voting member who, within 2 years of the board's first meeting, has attended a training session under s. 73.03 (54) and unless that member is the municipality's chief executive officer or that officer's designee. The municipal clerk shall provide an affidavit to the department of revenue stating whether the requirement under this subsection has been fulfilled.

SECTION 279e. 70.47 (2) of the statutes is repealed and recreated to read:

70.47 **(2)** NOTICE. At least 15 days before the first session of the board of review, the clerk of the board of review shall publish a class 1 notice, place a notice in at least 3 public places and place a notice on the door of the town hall, of the village hall, of the council chambers or of the city hall of the time and place of the first meeting of the board of review under sub. (3) and of the requirements under sub. (7) (aa) and (ac) to (af). A taxpayer who shows that the clerk failed to publish the notice under this subsection may file a claim under s. 74.37.

SECTION 279f. 70.47 (3) (a) of the statutes is repealed and recreated to read:

70.47 **(3)** (a) At its first meeting, the board of review:

1. Shall receive the assessment roll and sworn statements from the clerk.

2. Shall be in session at least 2 hours for taxpayers to appear and examine the assessment roll and other assessment data.

3. Shall schedule for hearing each written objection that it receives during the first 2 hours of the meeting or that it received prior to the first meeting.

4. Shall grant a waiver of the 48−hour notice of an intent to file a written or oral objection if a property owner who does not meet the notice requirement appears before the board during the first 2 hours of the meeting, shows good cause for failure to meet the 48−hour notice requirement and files a written objection.

5. May hear any written objections if the board gave notice of the hearing to the property owner and the assessor at least 48 hours before the beginning of the scheduled meeting or if both the property owner and the assessor waive the 48−hour notice requirement.

SECTION 279g. 70.47 (3) (ag), (ah), (ak), (aL) and (ar) of the statutes are created to read:

70.47 **(3)** (ag) The assessor shall be present at the first meeting of the board of review.

(ah) For each properly filed written objection that the board receives and schedules during its first meeting, but does not hear at the first meeting, the board shall notify each objector and the assessor, at least 48 hours before an objection is to be heard, of the time of that hearing. If, during any meeting, the board determines that it cannot hear some of the written objections at the time scheduled for them, it shall create a new schedule, and it shall notify each objector who has been rescheduled, at least 48 hours before the objection is to be heard, of the new time of the hearing.

(ak) If an objector fails to provide written or oral notice of an intent to object 48 hours before the first scheduled meeting, fails to request a waiver of the notice requirement under par. (a) 4., appears before the board at

any time up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days, files a written objection and provides evidence of extraordinary circumstances; the board of review may waive all notice requirements and hear the objection.

(aL) If the assessment roll is not completed at the time of the first meeting, the board shall adjourn for the time necessary to complete the roll, and shall post a written notice on the outer door of the place of meeting stating the time to which the meeting is adjourned.

(ar) With respect to the assessment rolls of taxing districts prepared by a county assessor, the board of review as constituted under s. 70.99 (10) shall schedule a meeting in each taxing jurisdiction on specific dates and shall comply with the provisions of this subsection and sub. (2) in each taxing district.

SECTION 279h. 70.47 (3) (b) of the statutes is amended to read:

70.47 **(3)** (b) The municipal governing body may by ordinance or resolution designate hours, other than those set forth in par. (a), during which the board shall hold its first meeting, but not fewer than ~~4~~ 2 hours on the first meeting day between 8 a.m. and midnight. Such change in the time shall not become effective unless notice thereof is published in the official newspaper if in a city, or posted in not less than 3 public places if in any other municipality, at least ~~10~~ 15 days before such first meeting.

SECTION 279i. 70.47 (6m) of the statutes is created to read:

70.47 **(6m)** REMOVAL OF A MEMBER. (a) A municipality, except a 1st class city or a 2nd class city, shall remove, for the hearing on an objection, a member of the board of review if any of the following conditions applies:

1. A person who is objecting to a valuation, at the time that the person provides written or oral notice of an intent to file an objection and at least 48 hours before the first scheduled session of the board of review or at least 48 hours before the objection is heard if the objection is allowed under sub. (3) (a), requests the removal, except that no more than one member of the board of review may be removed under this subdivision.

2. A member of the board of review has a conflict of interest under an ordinance of the municipality in regard to the objection.

3. A member of the board of review has a bias in regard to the objection and, if a party requests the removal of a member for a bias, the party submits with the request an affidavit stating that the party believes that the member has a personal bias or prejudice against the party and stating the nature of that bias or prejudice.

(b) A member of a board of review who would violate s. 19.59 by hearing an objection shall recuse himself or herself from that hearing. The municipal clerk shall provide to the department of revenue an affidavit declaring whether the requirement under this paragraph is fulfilled.

(c) If a member or members are removed under par. (a) or are recused under par. (b), the board may replace the member or members or its remaining members may hear the objection, except that no fewer than 3 members may hear the objection.

SECTION 279j. 70.47 (6r) of the statutes is created to read:

70.47 **(6r)** COMMENTS. Any person may provide to the municipal clerk written comments about valuations, assessment practices and the performance of an assessor. The clerk shall provide all of those comments to the appropriate municipal officer.

SECTION 279jm. 70.47 (7) (a) of the statutes is amended to read:

70.47 **(7)** (a) The board of review may not hear an objection to the amount or valuation of property unless, at least 48 hours before the board's first scheduled meeting, the objector provides to the board's clerk written or oral notice of an intent to file an objection, except that, upon a showing of good cause and the submission of a written objection, the board shall waive that requirement during the first 2 hours of the board's first scheduled meeting, and the board may waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days with proof of extraordinary circumstances for failure to meet the 48−hour notice requirement and failure to appear before the board of review during the first 2 hours of the first scheduled meeting. Objections to the amount or valuation of property shall first be made in writing and filed with the clerk of the board of review ~~prior to adjournment of public hearings by the board. If the board is in session 5 days, including its first meeting and any adjourned meetings, all objections shall be filed within such time unless failure to file within such time is waived by the board upon a showing of good cause for such failure~~ within the first 2 hours of the board's first scheduled meeting, except that, upon evidence of extraordinary circumstances, the board may waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days. The board may require such objections to be submitted on forms approved by the department of revenue, and the board shall require that any forms include stated valuations of the property in question. Persons who own land and improvements to that land may object to the aggregate valuation of that land and improvements to that land, but no person who owns land and improvements to that land may object only to the valuation of that land or only to the valuation of improvements to that land. No person shall be allowed in any action or proceedings to question the amount or valuation of property unless such written objection has been filed and such person in good faith presented evidence to such board in support of such objections and made full disclosure before said board, under oath of all of that person's property liable to assess-

ment in such district and the value thereof. The requirement that it be in writing may be waived by express action of the board.

SECTION 279k. 70.47 (7) (ac), (ad), (ae) and (af) of the statutes are created to read:

70.47 **(7)** (ac) After the first meeting of the board of review and before the board's final adjournment, no person who is scheduled to appear before the board of review may contact, or provide information to, a member of the board about that person's objection except at a session of the board.

(ad) No person may appear before the board of review, testify to the board by telephone or contest the amount of any assessment unless, at least 48 hours before the first meeting of the board or at least 48 hours before the objection is heard if the objection is allowed under sub. (3) (a), that person provides to the clerk of the board of review notice as to whether the person will ask for removal under sub. (6m) (a) and if so which member will be removed and the person's reasonable estimate of the length of time that the hearing will take.

(ae) When appearing before the board, the person shall specify, in writing, the person's estimate of the value of the land and of the improvements that are the subject of the person's objection and specify the information that the person used to arrive at that estimate.

(af) No person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03 (2a), that the assessor requests. The municipality or county shall provide by ordinance for the confidentiality of information about income and expenses that is provided to the assessor under this paragraph and shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. The information that is provided under this paragraph, unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under s. 19.35 (1).

SECTION 279L. 70.47 (7) (b) of the statutes is repealed.

SECTION 279m. 70.47 (8) (g), (h) and (i) of the statutes are created to read:

70.47 **(8)** (g) All determinations of objections shall be by roll call vote.

(h) The assessor shall provide to the board specific information about the validity of the valuation to which objection is made and shall provide to the board the information that the assessor used to determine that valuation.

(i) The board shall presume that the assessor's valuation is correct. That presumption may be rebutted by a sufficient showing by the objector that the valuation is incorrect.

SECTION 279n. 70.47 (9) (a) of the statutes is amended to read:

70.47 **(9)** (a) From the evidence before it the board shall determine whether the assessor's ~~valuation~~ assessment is correct. If the assessment is too high or too low, ~~it~~ the board shall raise or lower the ~~same~~ assessment accordingly and shall state on the record the correct assessment and that that assessment is reasonable in light of all of the relevant evidence that the board received. A majority of the members of the board present at the meeting to make the determination shall constitute a quorum for purposes of making such determination, and a majority vote of the quorum shall constitute the determination. In the event there is a tie vote, the ~~assessor's valuation~~ assessment shall be sustained.

SECTION 279o. 70.995 (12r) of the statutes is created to read:

70.995 **(12r)** The department of revenue shall calculate the value of property that is used in manufacturing, as defined in this section, and that is exempt under s. 70.11 (39).

SECTION 280. 71.01 (6) (m) of the statutes, as created by 1997 Wisconsin Act 37, is amended to read:

71.01 **(6)** (m) For taxable years that begin after December 31, 1997, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102−227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66 and sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188~~, and as amended by the provisions of P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998~~, and as indirectly affected by P.L. 99−514, P.L. 100−203, P.L. 100−647, P.L. 101−73, P.L. 101−140, P.L. 101−179, P.L. 101−239, P.L. 101−280, P.L. 101−508, P.L. 102−90, P.L. 102−227, excluding sections 103, 104 and 110 of P.L. 102−227, P.L. 102−318, P.L. 102−486, P.L. 103−66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465, P.L. 104−7, P.L. 104−117, P.L. 104−188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188, P.L. 104−191, P.L. 104−193 ~~and the provisions of~~, P.L. 105−33 and P.L. 105−34 ~~that take effect before January 1, 1998~~. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, ~~1996~~ 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997~~, except that changes to the Internal Revenue Code made by P.L. 105−33 and P.L. 105−34 that take effect before Janu-~~

~~ary 1, 1998, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, apply for Wisconsin purposes at the same time as for federal purposes~~.

SECTION 281. 71.01 (7r) of the statutes, as affected by 1997 Wisconsin Act 37, is amended to read:

71.01 **(7r)** Notwithstanding sub. (6), for purposes of computing amortization or depreciation, "internal revenue code" means either the federal internal revenue code as amended to December 31, ~~1996, for property placed in service before August 6, 1997, or as amended to August 5, 1997, for property placed in service on August 6, 1997, or thereafter~~ 1997,or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property that, under s. 71.02 (2) (d) 12., 1985 stats., is required to be depreciated for taxable year 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980.

SECTION 281e. 71.02 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

71.02 **(1)** For the purpose of raising revenue for the state and the counties, cities, villages and towns, there shall be assessed, levied, collected and paid a tax on all net incomes of individuals and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds subject to the tax under s. 71.23 (2), by every natural person residing within the state or by his or her personal representative in case of death, and trusts administered within the state; by every nonresident natural person and trust of this state, upon such income as is derived from property located or business transacted within the state including, but not limited by enumeration, income derived from a limited partner's distributive share of partnership income, income derived from a limited liability company member's distributive share of limited liability company income, the state lottery under ch. 565, any multijurisdictional lottery under ch. 565 if the winning lottery ticket or lottery share was purchased from a retailer, as defined in s. 565.01 (6), located in this state or from the department, winnings from a casino or bingo hall that is located in this state and that is operated by a Native American tribe or band and pari−mutuel wager winnings or purses under ch. 562, and also by every nonresident natural person upon such income as is derived from the performance of personal services within the state, except as exempted under s. 71.05 (1) to (3). Every natural person domiciled in the state shall be deemed to be residing within the state for the purposes of determining liability for income taxes and surtaxes. A single−owner entity that is disregarded as a separate entity under section 7701 of the Internal Revenue Code is disregarded as a separate entity under this chapter, and its owner is subject to the tax on the entity's income.

SECTION 281g. 71.04 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

71.04 **(1)** (a) All income or loss of resident individuals and resident estates and trusts shall follow the residence of the individual, estate or trust. Income or loss of nonresident individuals and nonresident estates and trusts from business, not requiring apportionment under sub. (4), (10) or (11), shall follow the situs of the business from which derived. All items of income, loss and deductions of nonresident individuals and nonresident estates and trusts derived from a tax−option corporation not requiring apportionment under sub. (9) shall follow the situs of the business of the corporation from which derived. Income or loss of nonresident individuals and nonresident estates and trusts derived from rentals and royalties from real estate or tangible personal property, or from the operation of any farm, mine or quarry, or from the sale of real property or tangible personal property shall follow the situs of the property from which derived. Income from personal services of nonresident individuals, including income from professions, shall follow the situs of the services. A nonresident limited partner's distributive share of partnership income shall follow the situs of the business. A nonresident limited liability company member's distributive share of limited liability company income shall follow the situs of the business. Income of nonresident individuals, estates and trusts from the state lottery under ch. 565 is taxable by this state. Income of nonresident individuals, estates and trusts from any multijurisdictional lottery under ch. 565 is taxable by this state, but only if the winning lottery ticket or lottery share was purchased from a retailer, as defined in s. 565.01 (6), located in this state or from the department. Income of nonresident individuals, nonresident trusts and nonresident estates from pari−mutuel winnings or purses under ch. 562 is taxable by this state. Income of nonresident individuals, estates and trusts from winnings from a casino or bingo hall that is located in this state and that is operated by a Native American tribe or band shall follow the situs of the casino or bingo hall. All other income or loss of nonresident individuals and nonresident estates and trusts, including income or loss derived from land contracts, mortgages, stocks, bonds and securities or from the sale of similar intangible personal property, shall follow the residence of such persons, except as provided in par. (b) and sub. (9).

SECTION 282. 71.05 (6) (a) 12. of the statutes, as affected by 1997 Wisconsin Act 39, is amended to read: **Vetoed In Part**

71.05 **(6)** (a) 12. All alimony deducted for federal income tax purposes ~~and paid while the individual paying the alimony was a nonresident of this state~~; all interest on qualified education loans that is deducted for federal income tax purposes; all penalties for early withdrawals from time savings accounts and deposits deducted for federal income tax purposes and paid while the individual charged with the penalty was a nonresident of this

Vetoed In Part

state; all repayments of supplemental unemployment benefit plan payments deducted for federal income tax purposes ~~and made while the individual making the repayment was a nonresident of this state~~; all reforestation expenses related to property not in this state, deducted for federal income tax purposes and paid while the individual paying the expense was not a resident of this state; all contributions to individual retirement accounts, simplified employe pension plans and self−employment retirement plans and all deductible employe contributions, deducted for federal income tax purposes and in excess of that amount multiplied by a fraction the numerator of which is the individual's wages and net earnings from a trade or business taxable by this state and the denominator of which is the individual's total wages and net earnings from a trade or business; the contributions to a Keogh plan deducted for federal income tax purposes and in excess of that amount multiplied by a fraction the numerator of which is the individual's net earnings from a trade or business, taxable by this state, and the denominator of which is the individual's total net earnings from a trade or business; the amount of health insurance costs of self−employed individuals deducted under section 162 (L) of the internal revenue code for federal income tax purposes and in excess of that amount multiplied by a fraction the numerator of which is the individual's net earnings from a trade or business, taxable by this state, and the denominator of which is the individual's total net earnings from a trade or business; and the amount of self−employment taxes deducted under section 164 (f) of the internal revenue code for federal income tax purposes and in excess of that amount multiplied by a fraction the numerator of which is the individual's net earnings from a trade or business, taxable by this state, and the denominator of which is the individual's total net earnings from a trade or a business.

SECTION 284. 71.05 (6) (b) 28. of the statutes is created to read:

71.05 **(6)** (b) 28. An amount paid by a claimant for tuition expenses for a student who is the claimant or who is the claimant's child and the claimant's dependent who is claimed under section 151 (c) of the Internal Revenue Code, to attend any university, college, technical college or a school approved under s. 39.51, that is located in Wisconsin or to attend a public vocational school or public institution of higher education in Minnesota under the Minnesota−Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

a. An amount equal to not more than $3,000 per student for each year to which the claim relates.

b. From the amount calculated under subd. 28. a., if the claimant is single or married and filing as head of household and his or her federal adjusted gross income is more than $50,000 but not more than $60,000, subtract the product of the amount calculated under subd. 28. a. and the value of a fraction, the denominator of which is $10,000 and the numerator of which is the difference between the claimant's federal adjusted gross income and $50,000.

c. From the amount calculated under subd. 28. a., if the claimant is married and filing jointly and the claimant's and his or her spouse's federal adjusted gross income is more than $80,000 but not more than $100,000, subtract the product of the amount calculated under subd. 28. a. and the value of a fraction, the denominator of which is $20,000 and the numerator of which is the difference between the claimant's and his or her spouse's federal adjusted gross income and $80,000.

d. From the amount calculated under subd. 28. a., if the claimant is married and filing separately and the claimant's federal adjusted gross income is more than $40,000 but not more than $50,000, subtract the product of the amount calculated under subd. 28. a. and the value of a fraction, the denominator of which is $10,000 and the numerator of which is the difference between the claimant's federal adjusted gross income and $40,000.

e. For an individual who is a nonresident or part−year resident of this state, multiply the amount calculated under subd. 28. b., c. or d. by a fraction the numerator of which is the individual's wages, salary, tips, unearned income and net earnings from a trade or business that are taxable by this state and the denominator of which is the individual's total wages, salary, tips, unearned income and net earnings from a trade or business. In this subd. 28. e., for married persons filing separately "wages, salary, tips, unearned income and net earnings from a trade or business" means the separate wages, salary, tips, unearned income and net earnings from a trade or business of each spouse, and for married persons filing jointly "wages, salary, tips, unearned income and net earnings from a trade or business" means the total wages, salary, tips, unearned income and net earnings from a trade or business of both spouses.

f. Reduce the amount calculated under subd. 28. e. to the individual's aggregate wages, salary, tips, unearned income and net earnings from a trade or business that are taxable by this state.

g. No modification may be claimed under this subdivision by a claimant who is single or married and filing as head of household if the claimant's federal adjusted gross income is more than $60,000, by a claimant who is married and filing jointly if the claimant's and his or her spouse's federal adjusted gross income is more than $100,000 or by a claimant who is married and filing separately if the claimant's federal adjusted gross income is more than $50,000.

SECTION 284b. 71.05 (22) (f) 3. of the statutes is amended to read:

71.05 **(22)** (f) 3. For taxable years beginning on or after January 1, 1994, and before January 1, 1998, in the case of a taxpayer with respect to whom a deduction under s. 71.07 (8) is allowable to another person, the Wis-

consin standard deduction shall be $500 adjusted for inflation in the manner prescribed by sections 1 (f) (3) to (6) and 63 (c) (4) of the ~~internal revenue code~~ Internal Revenue Code. The department of revenue shall incorporate the changes in the income tax forms and instructions.

SECTION 284d. 71.05 (22) (f) 4. of the statutes is created to read:

71.05 **(22)** (f) 4. a. For taxable years beginning after December 31, 1997, in the case of a taxpayer with respect to whom a deduction under s. 71.07 (8) is allowable to another person, the Wisconsin standard deduction shall be the lesser of the amount under subd. 4. b. or one of the amounts calculated under subd. 4. c., whichever amount under subd. 4. c. is greater.

b. The standard deduction that may be claimed by an individual under par. (dm), based on the individual's filing status.

c. $500, as adjusted for inflation in the manner prescribed by sections 1 (f) (3) to (6) and 63 (c) (4) of the Internal Revenue Code or the taxpayer's earned income, as defined in section 911 (d) (2) of the Internal Revenue Code, plus $250, as adjusted for inflation in the manner prescribed by sections 1 (f) (3) to (6) and 63 (c) (4) of the Internal Revenue Code.

d. The department shall incorporate the changes in this subdivision in the income tax forms and instructions.

SECTION 284e. 71.06 (1m) (a) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.06 **(1m)** (a) On all taxable income from $0 to $7,500, ~~4.85%~~ 4.77%.

SECTION 284ee. 71.06 (1m) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.06 **(1m)** (b) On all taxable income exceeding $7,500 but not exceeding $15,000, ~~6.48%~~ 6.37%.

SECTION 284em. 71.06 (1m) (c) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.06 **(1m)** (c) On all taxable income exceeding $15,000, ~~6.87%~~ 6.77%.

SECTION 284g. 71.06 (2) (c) 1. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.06 **(2)** (c) 1. On all taxable income from $0 to $10,000, ~~4.85%~~ 4.77%.

SECTION 284ge. 71.06 (2) (c) 2. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.06 **(2)** (c) 2. On all taxable income exceeding $10,000 but not exceeding $20,000, ~~6.48%~~ 6.37%.

SECTION 284gm. 71.06 (2) (c) 3. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.06 **(2)** (c) 3. On all taxable income exceeding $20,000, ~~6.87%~~ 6.77%.

SECTION 284i. 71.06 (2) (d) 1. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.06 **(2)** (d) 1. On all taxable income from $0 to $5,000, ~~4.85%~~ 4.77%.

SECTION 284ie. 71.06 (2) (d) 2. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.06 **(2)** (d) 2. On all taxable income exceeding $5,000 but not exceeding $10,000, ~~6.48%~~ 6.37%.

SECTION 284im. 71.06 (2) (d) 3. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.06 **(2)** (d) 3. On all taxable income exceeding $10,000, ~~6.87%~~ 6.77%.

SECTION 284m. 71.07 (3s) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.07 **(3s)** (b) The tax imposed under s. 71.02 or 71.08 shall be reduced by an amount equal to the sales and use tax under ch. 77 paid by the person in such taxable year on fuel and electricity consumed in manufacturing tangible personal property in this state. Shareholders in a tax−option corporation and partners may claim the credit under this subsection, based on eligible sales and use taxes paid by the partnership or tax−option corporation, in proportion to the ownership interest of each partner or shareholder. The partnership or tax−option corporation shall calculate the amount of the credit which may be claimed by each partner or shareholder and shall provide that information to the partner or shareholder.

SECTION 284p. 71.07 (3s) (c) 5. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.07 **(3s)** (c) 5. If a corporation that is not a tax−option corporation has a carry−over credit from a taxable year that begins on or after January 1, 1998, and becomes a tax−option corporation before the credit carried over is used, the unused portion of the credit may be used by the tax−option corporation's shareholders on a prorated basis.

SECTION 285b. 71.07 (9) (b) of the statutes is renumbered 71.07 (9) (b) 1. and is amended to read:

71.07 **(9)** (b) 1. Subject to the limitations under this subsection and except as provided in subd. 2., a claimant may claim as a credit against, but not to exceed the amount of, taxes under s. 71.02, 10% of the first $2,000 of property taxes or rent constituting property taxes, or 10% of the first $1,000 of property taxes or rent constituting property taxes of a married person filing separately.

SECTION 285c. 71.07 (9) (b) 2. of the statutes is created to read:

71.07 **(9)** (b) 2. Beginning on the date that the joint committee on finance takes action under 1997 Wisconsin Act .... (this act), section 9256 (2c) (c), subject to the limitations under this subsection, a claimant may claim as a credit against, but not to exceed the amount of, taxes under s. 71.02, the amounts specified in the proposal, as adopted or modified by the joint committee on finance, under 1997 Wisconsin Act .... (this act), section 9256 (2c) (c).

Vetoed In Part

Vetoed In Part

Vetoed In Part

SECTION 286. 71.08 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

71.08 **(1)** IMPOSITION. (intro.) If the tax imposed on a natural person, married couple filing jointly, trust or estate under s. 71.02, not considering the credits under ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), (3m), (3s), (6) and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd) ~~and~~, (2m) and (3) and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd) ~~and~~, (2m) and (3) and subchs. VIII and IX and payments to other states under s. 71.07 (7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

SECTION 286m. 71.10 (4) (de) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 71.10 (4) (gb).

SECTION 288. 71.125 (2) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.125 **(2)** Each electing small business trust, as defined in section 1361 (e) (1) of the Internal Revenue Code, is subject to tax at the highest rate under s. 71.06 (1) or under s. 71.06 (1m), whichever taxable year is applicable, on its ~~Wisconsin taxable~~ income as computed under section 641 of the Internal Revenue Code, as modified by s. 71.05 (6) to (12), (19) and (20).

SECTION 289. 71.17 (6) of the statutes is created to read:

71.17 **(6)** FUNERAL TRUSTS. If a qualified funeral trust makes the election under section 685 of the Internal Revenue Code for federal income tax purposes, that election applies for purposes of this chapter and each trust shall compute its own tax and shall apply the rates under s. 71.06 (1) and (1m).

SECTION 290. 71.22 (4) (m) of the statutes, as created by 1997 Wisconsin Act 37, is amended to read:

71.22 **(4)** (m) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "Internal Revenue Code", for taxable years that begin after December 31, 1997, means the federal Internal Revenue Code as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102−227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66 and sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188~~, and as amended by the provisions of P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998~~, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99−514, P.L. 100−203, P.L. 100−647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99−514 and section 1008 (g) (5) of P.L. 100−647, P.L. 101−73, P.L. 101−140, P.L. 101−179, P.L. 101−239, P.L. 101−508, P.L. 102−227, excluding sections 103, 104 and 110 of P.L. 102−227, P.L. 102−318, P.L. 102−486, P.L. 103−66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465, P.L. 104−7, P.L. 104−188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188, P.L. 104−191 , P.L. 104−193 ~~and the provisions of~~, P.L. 105−33 and P.L. 105−34 ~~that take effect before January 1, 1998~~. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, ~~1996~~ 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997~~, except that changes to the Internal Revenue Code made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, apply for Wisconsin purposes at the same time as for federal purposes~~.

SECTION 291. 71.22 (4m) (k) of the statutes, as created by 1997 Wisconsin Act 37, is amended to read:

71.22 **(4m)** (k) For taxable years that begin after December 31, 1997, "Internal Revenue Code", for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102−227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188~~, and as amended by the provisions of P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998~~, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99−514, P.L. 100−203, P.L. 100−647, P.L. 101−73, P.L. 101−140, P.L. 101−179, P.L. 101−239, P.L. 101−508, P.L. 102−227, excluding sections 103, 104 and 110 of P.L. 102−227, P.L. 102−318, P.L. 102−486, P.L. 103−66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465, P.L. 104−7, P.L. 104−188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188, P.L. 104−191 , P.L. 104−193 ~~and the provisions of~~, P.L. 105−33 and P.L. 105−34 ~~that take effect before January 1, 1998~~. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, ~~1996~~ 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997~~, except that changes to the Internal Revenue Code made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, apply for Wisconsin purposes at the same time as for federal purposes~~.

SECTION 292. 71.26 (2) (b) 13. of the statutes, as created by 1997 Wisconsin Act 37, is amended to read:

71.26 **(2)** (b) 13. For taxable years that begin after December 31, 1997, for a corporation, conduit or com-

mon law trust which qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust or financial asset securitization investment trust under the Internal Revenue Code as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102−227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66 and sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188~~, and as amended by the provisions of P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998~~, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99−514, P.L. 100−203, P.L. 100−647, P.L. 101−73, P.L. 101−140, P.L. 101−179, P.L. 101−239, P.L. 101−508, P.L. 102−227, excluding sections 103, 104 and 110 of P.L. 102−227, P.L. 102−318, P.L. 102−486, P.L. 103−66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465, P.L. 104−7, P.L. 104−188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188, P.L. 104−191 , P.L. 104−193 ~~and the provisions of~~, P.L. 105−33 and P.L. 105−34 ~~that take effect before January 1, 1998~~, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit or trust as determined under the Internal Revenue Code as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102−227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66 and sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188~~, and as amended by the provisions of P.L. 105−33 and P.L. 105−34 that take effect before January 1,1998~~, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99−514, P.L. 100−203, P.L. 100−647, P.L. 101−73, P.L. 101−140, P.L. 101−179, P.L. 101−239, P.L. 101−508, P.L. 102−227, excluding sections 103, 104 and 110 of P.L. 102−227, P.L. 102−318, P.L. 102−486, P.L. 103−66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465, P.L. 104−7, P.L. 104−188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188, P.L. 104−191 , P.L. 104−193 ~~and the provisions of~~, P.L. 105−33 and P.L. 105−34 ~~that take effect before January 1, 1998~~, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102−227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, and sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188~~, and as amended by the provisions of P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998~~, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99−514, P.L. 100−203, P.L. 100−647, P.L. 101−73, P.L. 101−140, P.L. 101−179, P.L. 101−239, P.L. 101−508, P.L. 102−227, excluding sections 103, 104 and 110 of P.L. 102−227, P.L. 102−318, P.L. 102−486, P.L. 103−66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465, P.L. 104−7, P.L. 104−188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188, P.L. 104−191 , P.L. 104−193 ~~and the provisions of~~, P.L.105−33 and P.L. 105−34 ~~that take effect before January 1, 1998~~, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, ~~1996~~ 1997, do not apply to this subdivision with respect to taxable years that begin after December 31, 1997~~, except that changes to the Internal Revenue Code made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, apply for Wisconsin purposes at the same time as for federal purposes~~.

SECTION 293. 71.26 (3) (y) of the statutes, as affected by 1997 Wisconsin Act 37, is amended to read:

71.26 **(3)** (y) A corporation may compute amortization and depreciation under either the federal internal revenue code as amended to December 31, ~~1996, for property placed in service before August 6, 1997, or as amended to August 5, 1997, for property placed in service on August 6, 1997, or thereafter~~ 1997, or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980.

SECTION 293p. 71.28 (3) (c) 5. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.28 **(3)** (c) 5. If a corporation that is not a tax−option corporation has a carry−over credit from a taxable

year that begins on or after January 1, 1998, and becomes a tax−option corporation before the credit carried over is used, the unused portion of the credit may be used by the tax−option corporation's shareholders on a prorated basis.

SECTION 294p. 71.34 (1) (j) of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

SECTION 294. 71.34 (1g) (m) of the statutes, as created by 1997 Wisconsin Act 37, is amended to read:

71.34 **(1g)** (m) "Internal Revenue Code" for tax−option corporations, for taxable years that begin after December 31, 1997, means the federal Internal Revenue Code as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102−227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66 and sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188~~, and as amended by the provisions of P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998~~, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99−514, P.L. 100−203, P.L. 100−647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99−514 and section 1008 (g) (5) of P.L. 100−647, P.L. 101−73, P.L. 101−140, P.L. 101−179, P.L. 101−239, P.L. 101−508, P.L. 102−227, excluding sections 103, 104 and 110 of P.L. 102−227, P.L. 102−318, P.L. 102−486, P.L. 103−66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465, P.L. 104−7, P.L. 104−188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188, P.L. 104−191 , P.L. 104−193 ~~and the provisions of~~, P.L. 105−33 and P.L. 105−34 ~~that take effect before January 1, 1998~~, except that section 1366 (f) (relating to pass−through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, ~~1996~~ 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997~~, except that changes to the Internal Revenue Code made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, apply for Wisconsin purposes at the same time as for federal purposes~~.

SECTION 295. 71.365 (1m) of the statutes, as affected by 1997 Wisconsin Act 37, is amended to read:

71.365 **(1m)** TAX−OPTION CORPORATIONS; DEPRECIATION. A tax−option corporation may compute amortization and depreciation under either the federal internal revenue code as amended to December 31, ~~1996, for property placed in service before August 6, 1997, or as amended to August 5, 1997, for property placed in service on August 6, 1997, or thereafter~~ 1997, or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980. Any difference between the adjusted basis for federal income tax purposes and the adjusted basis under this chapter shall be taken into account in determining net income or loss in the year or years for which the gain or loss is reportable under this chapter. If that property was placed in service by the taxpayer during taxable year 1986 and thereafter but before the property is used in the production of income subject to taxation under this chapter, the property's adjusted basis and the depreciation or other deduction schedule are not required to be changed from the amount allowable on the owner's federal income tax returns for any year because the property is used in the production of income subject to taxation under this chapter. If that property was acquired in a transaction in taxable year 1986 or thereafter in which the adjusted basis of the property in the hands of the transferee is the same as the adjusted basis of the property in the hands of the transferor, the Wisconsin adjusted basis of that property on the date of transfer is the adjusted basis allowable under the internal revenue code as defined for Wisconsin purposes for the property in the hands of the transferor.

SECTION 296. 71.42 (2) (L) of the statutes, as created by 1997 Wisconsin Act 37, is amended to read:

71.42 **(2)** (L) For taxable years that begin after December 31, 1997, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102−227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66 and sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104−188~~, and as amended by the provisions of P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998~~, and as indirectly affected by P.L. 99−514, P.L. 100−203, P.L. 100−647, P.L. 101−73, P.L. 101−140, P.L. 101−179, P.L. 101−239, P.L. 101−508, P.L. 102−227, excluding sections 103, 104 and 110 of P.L. 102−227, P.L. 102−318, P.L. 102−486, P.L. 103−66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103−66, P.L. 103−296, P.L. 103−337, P.L. 103−465, P.L. 104−7, P.L. 104−188, excluding sections 1123 (b), 1202 (c) 1204 (f), 1311 and 1605 (d) of P.L. 104−188, P.L. 104−191 , P.L. 104−193 ~~and the provisions~~

~~of~~, P.L. 105−33 and P.L. 105−34 ~~that take effect before January 1, 1998~~, except that "Internal Revenue Code" does not include section 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, ~~1996~~ 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997~~, except that changes to the Internal Revenue Code made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105−33 and P.L. 105−34 that take effect before January 1, 1998, apply for Wisconsin purposes at the same time as for federal purposes~~.

SECTION 297. 71.45 (2) (a) 13. of the statutes, as affected by 1997 Wisconsin Act 37, is amended to read:

71.45 **(2)** (a) 13. By adding or subtracting, as appropriate, the difference between the depreciation deduction under the federal internal revenue code as amended to December 31, ~~1996, for property placed in service before August 6, 1997, or as amended to August 5, 1997, for property placed in service on August 6, 1997, or thereafter~~ 1997 and the depreciation deduction under the federal internal revenue code in effect for the taxable year for which the return is filed, so as to reflect the fact that the insurer may choose between these 2 deductions, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980.

SECTION 297p. 71.47 (3) (c) 5. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.47 **(3)** (c) 5. If a corporation that is not a tax−option corporation has a carry−over credit from a taxable year that begins on or after January 1, 1998, and becomes a tax−option corporation before the credit carried over is used, the unused portion of the credit may be used by the tax−option corporation's shareholders on a prorated basis.

SECTION 298. 71.78 (4) (o) of the statutes is repealed and recreated to read:

71.78 **(4)** (o) A licensing department or the supreme court, if the supreme court agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a license based on tax delinquency under s. 73.0301.

SECTION 298s. 71.83 (1) (d) 2. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

71.83 **(1)** (d) 2. The penalty described under subd. 1. shall be the amount of ~~the capital gains exclusion received by the transferor under s. 71.05 (6) (b) 25.~~ income tax that would have been imposed under s. 71.02 on the capital gains received by the transferor in the transaction described in subd. 1. if the exemption under s. 71.05 (6) (b) 25. did not apply to the transaction multiplied by a fraction, the denominator of which is 24 and the numerator of which is the difference between 24 and the number of months between the date on which the person who is liable for the penalty purchased or otherwise received the assets described in subd. 1. and the month in which the person sells or otherwise disposes of the assets.

SECTION 299. 71.83 (3) of the statutes is amended to read:

71.83 **(3)** LATE FILING FEES. If any person required under this chapter to file an income or franchise tax return fails to file a return within the time prescribed by law, or as extended under s. 71.03 (7), 71.24 (7) or 71.44 (3), unless the return is filed under such an extension but the person fails to file a copy of the extension that is granted by or requested of the internal revenue service, the department shall add to the tax of the person $30 in the case of corporations and in the case of persons other than corporations $2 when the total normal income tax of the person is less than $10, $3 when the tax is $10 or more but less than $20, $5 when the tax is $20 or more, except that $30 shall be added to the tax if the return is 60 or more days late. If no tax is assessed against any such person the amount of this fee shall be collected as income or franchise taxes are collected. If any person who is required under s. 71.65 (3) to file a withholding report and deposit withheld taxes fails timely to do so; unless the person so required dies or the failure is due to a reasonable cause and not due to neglect; the department of revenue shall add $30 to the amount due.

SECTION 299r. 71.91 (5) (f) of the statutes is amended to read:

71.91 **(5)** (f) When the taxes set forth in a warrant together with penalties and interest to date of payment and all costs due the department have been paid to it or when such warrant has not been paid or discharged, but the taxes for which such warrant was issued have been canceled or credited, the department shall issue a satisfaction of the warrant and file it with the clerk and said warrant shall be immediately satisfied of record by such clerk. The department shall send a copy of such satisfaction to the taxpayer at the taxpayer's request. If the taxpayer so requests, the department shall indicate on the warrant the amount that was paid to satisfy the warrant. When such warrant has not been paid or discharged but the enforcement of same would, in the opinion of the department, result in depriving the taxpayer of a substantial right, the department may issue a release of said warrant and file same with the clerk who shall immediately make an entry

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of same of record, and it shall be held conclusive of the extinguishment of the warrant and all liens and rights created thereby, but shall not constitute a release or satisfaction of the taxes for which such warrant was issued.

SECTION 300. 71.91 (8) (title) of the statutes is repealed.

SECTION 301. 71.91 (8) of the statutes is renumbered 73.0301 (5) (a) and amended to read:

73.0301 **(5)** (a) The department of revenue shall conduct a hearing requested by a ~~credential holder under s. 440.08 (4) (b) 2.~~ license holder or applicant for a license or license renewal or continuation under sub. (2) (b) 1. b. or by an applicant for certification or recertification or a certificate holder under s. 73.03 (50) or 73.09 (7m) (b) to review a certification or determination of tax delinquency that is the basis of a denial ~~by the department of regulation and licensing under s. 440.08 (4) (b) 1. of an application for the renewal of a credential~~ or revocation of a license in accordance with this section or of a certificate, certification or recertification under s. 73.03 (50) or 73.09 (7m). A hearing under this ~~subsection~~ paragraph is limited to questions of mistaken identity of the ~~credential~~ license or certificate holder or applicant and of prior payment of the delinquent taxes for which the department of revenue certified or determined the ~~credential~~ license or certificate holder or applicant is liable. At a hearing under this ~~subsection~~ paragraph, any statement filed by the department of revenue ~~or~~, the licensing department ~~of regulation and licensing~~ or the supreme court, if the supreme court agrees, may be admitted into evidence and is prima facie evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to a hearing under this paragraph is not entitled to any other notice, hearing or review, except as provided in sub. (2) (b) 2.

SECTION 302. 71.92 (2) of the statutes is amended to read:

71.92 **(2)** Any taxpayer who is unable to pay the full amount of his or her delinquent income or franchise taxes, costs, penalties and interest may apply to the department of revenue to pay such taxes, costs, penalties and interest in instalments. Such application shall contain a statement of the reasons such taxes, costs, penalties and interest cannot be paid in full and shall set forth the plan of instalment payments proposed by the taxpayer. Upon approval of such plan by the department and the payment of instalments in accordance therewith collection proceedings with respect to such taxes, costs, penalties and interest shall be withheld; but on failure of the taxpayer to make any instalment payment, the department shall proceed to collect the unpaid portion of such taxes, costs, penalties and interest in the manner provided by law. The department of revenue may require taxpayers who make instalment payments under this subsection to do so by electronic funds transfer.

SECTION 303. 73.03 (27) (intro.) of the statutes is renumbered 73.03 (27) and amended to read:

73.03 **(27)** To write off from the records of the department income, franchise, sales, use, withholding, motor fuel, gift, beverage and cigarette tax and recycling surcharge liabilities, following a determination by the secretary of revenue that they are not collectible~~, as hereinafter provided:~~. Taxes written off under this subsection remain legal obligations.

SECTION 304. 73.03 (27) (a) to (e) of the statutes are repealed.

SECTION 305. 73.03 (28g) of the statutes is repealed.

SECTION 305r. 73.03 (50) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

73.03 **(50)** With the approval of the joint committee on finance, to establish fees for obtaining a business tax registration certificate, which, except as provided in s. 73.0302, is valid for 2 years, and for renewing that certificate and, except as provided in s. 73.0302, shall issue and renew those certificates if the person who wishes to obtain or renew a certificate applies on a form that the department prescribes; sets forth the name under which the applicant intends to operate, the location of the applicant's place of operations, the social security number of the applicant if the applicant is a natural person and the other information that the department requires; and, in the case of a sole proprietor, signs the form or, in the case of other persons, has an individual who is authorized to act on behalf of the person sign the form, or, in the case of a single–owner entity that is disregarded as a separate entity under section 7701 of the Internal Revenue Code, the person is the owner.

SECTION 306. 73.03 (52) of the statutes is created to read:

73.03 **(52)** To enter into agreements with the internal revenue service that provide for offsetting state tax refunds against federal tax obligations and offsetting federal tax refunds against state tax obligations, if the agreements provide that setoffs under ss. 71.93 and 71.935 occur before the setoffs under those agreements.

SECTION 306m. 73.03 (54) and (55) of the statutes are created to read:

73.03 **(54)** To publish instructional material that provides information to persons who wish to object to valuations under s. 70.47 and to distribute that material in sufficient quantity to taxation districts.

(55) To provide or approve suitable training sessions at suitable times and instructional material for board of review members.

SECTION 307. 73.0301 of the statutes is created to read:

73.0301 License denial, nonrenewal, discontinuation, suspension and revocation based on tax delinquency. (1) DEFINITIONS. In this section:

(a) "Credential" has the meaning given in s. 440.01 (2) (a), but does not include a registration as an inactive licensee under s. 452.12 (6) (b).

(b) "Credentialing board" means a board, examining board or affiliated credentialing board in the department of regulation and licensing that grants a credential.

(d) "License" means any of the following:

1. An approval specified in s. 29.09 (11r).

2. A license issued by the department of health and family services under s. 48.66 (1) to a child welfare agency, group home, shelter care facility or day care center, as required by s. 48.60, 48.625, 48.65 or 938.22 (7).

3. A license, certificate of approval, provisional license, conditional license, certification, certification card, registration, permit, training permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7) (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3) or (3m), 146.50 (5) (a) or (b), (6g) (a), (7) or (8) (a) or (f), 250.05 (5), 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2) (a) or 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

3m. A license or certificate issued by the department of workforce development under s. 102.17 (1) (c), 103.275 (2) (b), 103.91 (1), 103.92 (3), 104.07 (1) or (2) or 105.13 (1).

5. A license, as defined in s. 101.02 (20) (a).

6. A license or certificate of registration issued by the department of financial institutions, or a division of it, under s. 138.09, 138.12, 217.06, 218.01, 218.02, 218.04, 218.05 or 224.72 or under subch. III of ch. 551.

7. A license described in s. 218.01 (2) (d) 1. and 8., a license described in s. 218.01 (2) (d) 2., 3. or 5., a license issued under s. 218.11, 218.12, 218.22, 218.32, 218.41, 343.61 or 343.62, a buyer identification card issued under s. 218.51 or a certificate of registration issued under s. 341.51.

7m. A license issued under s. 562.05 or 563.24.

8. A license, registration or certification specified in s. 299.07 (1) (a).

9. A credential.

10. A license or permit granted by the department of public instruction.

11. A license to practice law.

12. A license issued under s. 628.04, 632.68 (2) or (4) or 633.14 or a temporary license issued under s. 628.09.

13. A license issued by the ethics board under s. 13.63 (1).

14. A permit under s. 170.12.

(e) "Licensing department" means the department of administration; the board of commissioners of public lands; the department of commerce; the ethics board; the department of financial institutions; the department of health and family services; the department of natural resources; the department of public instruction; the department of regulation and licensing; the department of workforce development; the office of the commissioner of insurance; or the department of transportation.

(f) "Nondelinquency certificate" means a certificate that the department of revenue issues to a person and that states that the person is not delinquent in the payment of taxes, including penalties, interest, fees and costs, under ch. 71, 72, 76, 77, 78, 125 or 139.

(2) DUTIES AND POWERS OF LICENSING DEPARTMENTS. (a) Each licensing department and the supreme court, if the supreme court agrees, shall enter into a memorandum of understanding with the department of revenue under sub. (4) (a) that requires the licensing department or supreme court to do all of the following:

1. Request the department of revenue to certify whether an applicant for a license or license renewal or continuation is liable for delinquent taxes. With respect to an applicant for a license granted by a credentialing board, the department of regulation and licensing shall make a request under this subdivision. This subdivision does not apply to the department of transportation with respect to licenses described in sub. (1) (d) 7.

2. Request the department of revenue to certify whether a license holder is liable for delinquent taxes. With respect to a holder of a license granted by a credentialing board, the department of regulation and licensing shall make a request under this subdivision.

(b) Each licensing department and the supreme court, if the supreme court agrees, shall do all of the following:

1. a. If, after a request is made under par. (a) 1. or 2., the department of revenue certifies that the license holder or applicant for a license or license renewal or continuation is liable for delinquent taxes, revoke the license or deny the application for the license or license renewal or continuation. The department of transportation may suspend licenses described in sub. (1) (d) 7. in lieu of revoking those licenses. A suspension, revocation or denial under this subd. 1. a. is not subject to administrative review or, except as provided in subd. 2., judicial review. With respect to a license granted by a credentialing board, the department of regulation and licensing shall make a revocation or denial under this subd. 1. a.

b. Mail a notice of suspension, revocation or denial under subd. 1. a. to the license holder or applicant. The notice shall include a statement of the facts that warrant the suspension, revocation or denial and a statement that the license holder or applicant may, within 30 days after the date on which the notice of denial, suspension or revocation is mailed, file a written request with the department of revenue to have the certification of tax delinquency on which the suspension, revocation or denial is based reviewed at a hearing under sub. (5) (a). With respect to a license granted by a credentialing board, the department of regulation and licensing shall mail a notice under this subd. 1. b.

2. If notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after a hearing under sub. (5) (a), affirm a suspension, revocation or denial under subd. 1. a. A license holder or applicant may seek judicial review under ss. 227.52 to 227.60, except that the review shall be in the

circuit court for Dane County, of an affirmation of a revocation or denial under this subdivision. With respect to a license granted by a credentialing board, the department of regulation and licensing shall make an affirmation under this subdivision.

3. If a person submits a nondelinquency certificate issued under sub. (5) (b) 1., reinstate the license or grant the application for the license or license renewal or continuation, unless there are other grounds for suspending or revoking the license or for denying the application for the license or license renewal or continuation. If reinstatement is required under this subdivision, a person is not required to submit a new application or other material or to take a new test. No separate fee may be charged for reinstatement of a license under this subdivision. With respect to a license granted by a credentialing board, the department of regulation and licensing shall reinstate a license or grant an application under this subdivision.

4. If a person whose license has been suspended or revoked or whose application for a license or license renewal or continuation has been denied under subd. 1. a. submits a nondelinquency certificate issued under sub. (3) (a) 2., reinstate the license or grant the person's application for the license or license renewal or continuation, unless there are other grounds for not reinstating the license or for denying the application for the license or license renewal or continuation. With respect to a license granted by a credentialing board, the department of regulation and licensing shall reinstate a license or grant an application under this subdivision.

(c) 1. Each licensing department and the supreme court may require a holder of a license to provide the following information upon request:

a. If the license holder is an individual, the license holder's social security number.

b. If the license holder is not an individual, the license holder's federal employer identification number.

2. A licensing department may not disclose any information received under subd. 1. to any person except to the department of revenue for the sole purpose of requesting certifications under par. (b) 2. in accordance with the memorandum of understanding under sub. (4) or to the department of workforce development for the purpose of administering s. 49.22.

(3) DUTIES AND POWERS OF DEPARTMENT OF REVENUE. (a) The department of revenue shall do all of the following:

1. Enter into a memorandum of understanding with each licensing department and the supreme court, if the supreme court agrees, under sub. (4) (a).

2. Upon the request of any applicant for issuance, renewal, continuation or reinstatement of a license whose license has been previously revoked or whose application for a license or license renewal or continuation has been previously denied under sub. (2) (b) 1. a., issue a nondelinquency certificate to the applicant if the applicant is not liable for delinquent taxes.

(b) If a request for certification is made under sub. (2) (a) 1. or 2., the department of revenue may, in accordance with a memorandum of understanding entered into under par. (a) 1., certify to the licensing department or the supreme court that the applicant or license holder is liable for delinquent taxes.

(4) MEMORANDUM OF UNDERSTANDING. (a) Each memorandum of understanding shall include procedures that do all of the following:

1. Establish requirements for making requests under sub. (2) (a) 1. and 2., including specifying the time when a licensing department or the supreme court shall make requests under sub. (2) (a) 1. and 2., and for making certifications under sub. (3) (b).

2. Implement the requirements specified in sub. (2) (b) 3. and 4.

(b) Factors such as the need to issue licenses in a timely manner, the convenience of applicants, the impact on collecting delinquent taxes, the effects on program administration and whether a suspension, revocation or denial under sub. (2) (b) 1. a. will have an impact on public health, safety or welfare or the environment shall be considered in establishing requirements under par. (a) 1.

(5) HEARING.

(b) After a hearing conducted under par. (a), the department of revenue shall do one of the following:

1. Issue a nondelinquency certificate to a license holder or an applicant for a license or license renewal or continuation if the department determines that the license holder or applicant is not liable for delinquent taxes. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03 (50) or 73.09 (7m) (b), the department shall grant a certification or recertification or reinstate a certification if the department determines that the applicant or certificate holder is not liable for delinquent taxes, unless there are other grounds for denying the application or revoking the certification.

2. Provide notice that the department of revenue has affirmed its certification of tax delinquency to a license holder; to an applicant for a license, a license renewal or a license continuation; and to the licensing department or the supreme court, if the supreme court agrees. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03 (50), or 73.09 (7m) (b), the department of revenue shall provide notice to the applicant or certificate holder that the department of revenue has affirmed its determination of tax delinquency.

SECTION 307g. 73.0302 of the statutes is created to read:

73.0302 Liability for delinquent taxes. (1) If the department of revenue determines that an applicant for

certification or recertification under s. 73.03 (50) or a person who holds a certificate issued under s. 73.03 (50) is liable for delinquent taxes, as defined in s. 73.0301 (1) (c), the department of revenue may deny the application or revoke the certificate. Except as provided in sub. (3), a denial or revocation under this subsection is not subject to judicial review.

(2) If the department of revenue denies an application or revokes a certificate under sub. (1), the department shall mail a notice of denial or revocation to the applicant or certificate holder. The notice shall include a statement of the facts that warrant the denial or revocation and a statement that the applicant or certificate holder may, within 30 days after the date on which the notice of denial or revocation is mailed, file a written request with the department to have the determination that he or she is liable for delinquent taxes reviewed at a hearing under s. 73.0301 (5) (a).

(3) If, after a hearing under s. 73.0301 (5) (a), the department of revenue affirms a determination under sub. (1) that an applicant or certificate holder is liable for delinquent taxes, the department shall affirm its denial or revocation. An applicant or certificate holder may seek judicial review under ch. 227 in the circuit court for Dane County of an affirmation by the department of a denial or revocation under this subsection.

(4) If, after a hearing under s. 73.0301 (5) (a), the department of revenue determines that a person whose certificate is revoked under sub. (1) is not liable for delinquent taxes, as defined in s. 73.0301 (1) (c), the department shall reinstate the certificate. The department may not charge a fee for reinstatement of a certificate under this subsection.

SECTION 307r. 73.06 (3) of the statutes is amended to read:

73.06 **(3)** The department of revenue, through its supervisors of equalization, shall examine and test the work of assessors during the progress of their assessments and ascertain whether any of them is assessing property at other than full value or is omitting property subject to taxation from the roll. The department and such supervisors shall have the rights and powers of a local assessor for the examination of persons and property and for the discovery of property subject to taxation. If any property has been omitted or not assessed according to law, they shall bring the same to the attention of the local assessor of the proper district and if such local assessor shall neglect or refuse to correct the assessment they shall report the fact to the board of review. <u>If it discovers errors in identifying or valuing property that is exempt under s. 70.11 (39), the department shall change the specification of the property as taxable or exempt and shall change the value of the property. All disputes between the department, municipalities and property owners about the taxability or value of property that is reported under s. 79.095 (2) (a) or of the property under s. 70.995 (12r) shall be resolved by using the procedures under s. 70.995 (8).</u>

SECTION 308. 73.09 (6m) of the statutes is created to read:

73.09 **(6m)** SOCIAL SECURITY NUMBERS. Each applicant for certification or recertification under this section shall provide the applicant's social security number on the application. The department of revenue may not disclose a social security number that it obtains under this subsection. The department of revenue may not certify or recertify any person who fails to provide his or her social security number on his or her application.

SECTION 308m. 73.09 (7) (a) of the statutes is amended to read:

73.09 **(7)** (a) The secretary of revenue or a designee may revoke the certification of any assessor, assessment personnel or expert appraiser for the practice of any fraud or deceit in obtaining certification, or any negligence, incompetence or misconduct<u>, including making a fraudulent change in the assessment roll after it is opened for examination under s. 70.47 (3)</u>.

SECTION 309. 73.09 (7) (e) of the statutes is amended to read:

73.09 **(7)** (e) The secretary of revenue, for reasons sufficient, may reinstate a certificate of registration that has been revoked <u>under this subsection</u>, after one year upon formal application for reinstatement.

SECTION 310. 73.09 (7m) of the statutes is created to read:

73.09 **(7m)** LIABILITY FOR DELINQUENT TAXES. (a) If the department of revenue determines that an applicant for certification or recertification under this section or a person who holds a certificate issued under this section is liable for delinquent taxes, as defined in s. 73.0301 (1) (c), the department of revenue may deny the application or revoke the certificate. Except as provided in par. (c), a denial or revocation under this paragraph is not subject to judicial review.

(b) If the department of revenue denies an application or revokes a certificate under par. (a), the department shall mail a notice of denial or revocation to the applicant or certificate holder. The notice shall include a statement of the facts that warrant the denial or revocation and a statement that the applicant or certificate holder may, within 30 days after the date on which the notice of denial or revocation is mailed, file a written request with the department to have the determination that he or she is liable for delinquent taxes reviewed at a hearing under s. 73.0301 (5) (a).

(c) If, after a hearing under s. 73.0301 (5) (a), the department of revenue affirms a determination under par. (a) that an applicant or certificate holder is liable for delinquent taxes, the department shall affirm its denial or revocation. An applicant or certificate holder may seek judicial review under ch. 227 in the circuit court for Dane

County of an affirmation by the department of a denial or revocation under this paragraph.

(d) If, after a hearing under s. 73.0301 (5) (a), the department of revenue determines that a person whose certificate is revoked under par. (a) is not liable for delinquent taxes, as defined in s. 73.0301 (1) (c), the department shall reinstate the certificate. The department may not charge a fee for reinstatement of a certificate under this paragraph.

SECTION 311. 73.12 (1) (b) of the statutes is amended to read:

73.12 **(1)** (b) "Vendor" means a person providing goods or services to this state under subch. IV or V of ch. 16 or under ch. 84 if the value of the contract for those goods or services is at least ~~$3,000~~ $500.

SECTION 311m. 74.35 (2m) of the statutes is created to read:

74.35 **(2m)** EXCLUSIVE PROCEDURE. A claim that property is exempt, other than a claim that property is exempt under s. 70.11 (21) (a) or (27), may be made only in an action under this section. Such a claim may not be made by means of an action under s. 74.33 or an action for a declaratory judgment under s. 806.04.

SECTION 312. 76.03 (1) of the statutes is amended to read:

76.03 **(1)** The property, both real and personal, including all rights, franchises and privileges used in and necessary to the prosecution of the business and including property that is exempt from the property tax under s. 70.11 (39) of any company enumerated in s. 76.02 shall be deemed personal property for the purposes of taxation, and shall be valued and assessed together as a unit.

SECTION 313. 76.81 of the statutes is amended to read:

76.81 Imposition. There is imposed a tax on the real property of, and the tangible personal property of, every telephone company, ~~except~~ excluding property that is exempt from the property tax under s. 70.11 (39), motor vehicles that are exempt under s. 70.112 (5) and treatment plant and pollution abatement equipment that is exempt under s. 70.11 (21) (a). Except as provided in s. 76.815, the rate for the tax imposed on each description of real property and on each item of tangible personal property is the net rate for the prior year for the tax under ch. 70 in the taxing jurisdictions where the description or item is located.

SECTION 313b. Chapter 77 (title) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

CHAPTER 77

TAXATION OF FOREST CROPLANDS; REAL ESTATE TRANSFER FEES; SALES AND USE TAXES; COUNTY AND SPECIAL DISTRICT SALES AND USE TAXES; MANAGE FOREST LAND; TEMPORARY RECYCLING SURCHARGE; LOCAL FOOD AND BEVERAGE TAX; LOCAL RENTAL CAR TAX; PREMIER RESORT AREA TAXES; STATE RENTAL VEHICLE FEE; DRY CLEANING FEES; ~~TAX ON ADULT ENTERTAINMENT~~

SECTION 313bm. 77.51 (4) (a) (intro.) of the statutes is amended to read:

77.51 **(4)** (a) (intro.) ~~"Gross~~ Except as provided in par. (cm), "gross receipts" means the total amount of the sale, lease or rental price, as the case may be, from sales at retail of tangible personal property, or taxable services, valued in money, whether received in money or otherwise, without any deduction on account of the following:

SECTION 313c. 77.51 (4) (cm) of the statutes is created to read:

77.51 **(4)** (cm) "Gross receipts" means the portion of the sales price attributable to taxable goods if exempt food, food products or beverages are packaged with other goods by a person other than a retailer before a sale to a final consumer and if less than 50% of the sales price of the goods packaged together is attributable to goods that are exempt under s. 77.54 (20).

SECTION 313cm. 77.51 (9) (e) of the statutes is amended to read: **Vetoed In Part**

77.51 **(9)** (e) An auction ~~which~~ that is the sale of personal farm property or household goods and ~~not~~ that is held at ~~regular intervals~~ a location where the auctioneer holds 12 or fewer auctions during the year.

SECTION 313d. 77.51 (15) (a) (intro.) of the statutes is amended to read:

77.51 **(15)** (a) (intro.) ~~"Sales~~ Except as provided in par. (cm), "sales price" means the total amount for which tangible personal property is sold, leased or rented, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

SECTION 313e. 77.51 (15) (cm) of the statutes is created to read:

77.51 **(15)** (cm) "Sales price" means the portion of the sales price attributable to taxable goods if exempt food, food products or beverages are packaged with other goods by a person other than a retailer before a sale to a final consumer and if less than 50% of the sales price of the goods packaged together is attributable to goods that are exempt under s. 77.54 (20).

SECTION 313eg. 77.52 (2) (a) 2. of the statutes is amended to read:

77.52 **(2)** (a) 2. The sale of admissions to amusement, athletic, entertainment or recreational events or places except county fairs, the sale, rental or use of regular bingo cards, extra regular cards, special bingo cards and the sale of bingo supplies to players and the furnishing, for dues, fees or other considerations, the privilege of access to clubs or the privilege of having access to or the use of amusement, entertainment, athletic or recreational devices or facilities, including, in connection with the sale or use of time−share property, as defined in s. 707.02 (32), the sale or furnishing of use of recreational facilities

on a periodic basis or other recreational rights, including but not limited to membership rights, vacation services and club memberships.

SECTION 313eL. 77.52 (2) (a) 5. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

77.52 **(2)** (a) 5. The sale of telecommunications services that either originate or terminate in this state; except services that are obtained by means of a toll−free number, that originate outside this state and that terminate in this state; and are charged to a service address in this state, regardless of the location where that charge is billed or paid, and the sale of the rights to purchase telecommunications services, including purchasing reauthorization numbers, by paying in advance and by using an access number and authorization code.

SECTION 313em. 77.52 (3m) of the statutes is created to read:

77.52 **(3m)** In regard to the sale of the rights to purchase telecommunications services under sub. (2) (a) 5.:

(a) If the sale takes place at a retailer's place of business, the situs of the sale is that place.

(b) If the sale does not take place at a retailer's place of business and an item that will implement the right to purchase telecommunications services is shipped, the situs of the sale is the customer's shipping address.

(c) If the sale does not take place at a retailer's place of business and no item that will implement the right to purchase telecommunications services is shipped, the situs of the sale is the customer's billing address.

SECTION 313et. 77.52 (13) of the statutes is amended to read:

77.52 **(13)** For the purpose of the proper administration of this section and to prevent evasion of the sales tax it shall be presumed that all receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property or services is not a taxable sale at retail is upon the person who makes the sale unless that person takes from the purchaser a certificate to the effect that the property or service is purchased for resale or is otherwise exempt; except that no certificate is required for sales of commodities, as defined in 7 USC 2, that are consigned for sale in a warehouse in or from which the commodity is deliverable on a contract for future delivery subject to the rules of a commodity market regulated by the U.S. commodity futures trading commission if upon the sale the commodity is not removed from the warehouse.

SECTION 313ev. 77.53 (10) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

77.53 **(10)** For the purpose of the proper administration of this section and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property or taxable services sold by any person for delivery in this state is sold for storage, use or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless that person takes from the purchaser a certificate to the effect that the property or taxable service is purchased for resale, or otherwise exempt from the tax; except that no certificate is required for sales of commodities, as defined in 7 USC 2, that are consigned for ~~resale~~ sale in a warehouse in or from which the commodity is deliverable on a contract for future delivery subject to the rules of a commodity market regulated by the U.S. commodity futures trading commission if upon the sale the commodity is not removed from the warehouse.

SECTION 313f. 77.54 (20) (bg) of the statutes is created to read:

77.54 **(20)** (bg) In this subsection:

1. "Meal" includes, but is not limited to, a diversified selection of food, food products or beverages that are customarily consumed as a breakfast, lunch or dinner, that may not easily be consumed without an article of tableware and that may not conveniently be consumed while standing or walking; except that "meal" does not include frozen items that are sold to a consumer, items that are customarily heated or cooked after the retail sale and before they are consumed or a diversified selection of food, food products and beverages that is packaged together by a person other than the retailer before the sale to the consumer.

2. "Sandwich" means food that consists of a filling; such as meat, cheese or a savory mixture; that is placed on a slice, or between 2 slices; of a variety of bread or something that takes the place of bread; such as a roll, croissant or bagel. "Sandwich" includes, but is not limited to, burritos, tacos, enchiladas, chimichangas, pita sandwiches, gyros and pocket sandwiches. "Sandwich" does not include hors d'oeuvres, canapes, egg rolls, cookies, cakes, pies and similar desserts and pastries and food that is sold frozen.

SECTION 313g. 77.54 (20m) of the statutes is created to read:

77.54 **(20m)** The gross receipts from the sales of, and the storage, use or other consumption of, food, food products or beverages and of other goods that are packaged together by a person other than a retailer before the sale to the final consumer if 50% or more of the sales price of the package is attributable to goods that are exempt.

SECTION 313m. 77.60 (9) of the statutes is amended to read:

77.60 **(9)** Any person who is required to ~~make a payment of~~ collect, account for or pay the amount of tax imposed under this subchapter and who wilfully fails to ~~make such payment~~ collect, account for or pay to the department shall be personally liable for such amounts, including interest and penalties thereon, if that person's principal is unable to pay such amounts to the department. The personal liability of such person as provided in this subsection shall survive the dissolution of the corporation or other form of business association. Personal

liability may be assessed by the department against such person under this subchapter for the making of sales tax determinations against retailers and shall be subject to the provisions for review of sales tax determinations against retailers, but the time for making such determinations shall not be limited by s. 77.59 (3). "Person", in this subsection, includes an officer, employe or other responsible person of a corporation or other form of business association or a member, employe or other responsible person of a partnership, limited liability company or sole proprietorship who, as such officer, employe, member or other responsible person, is under a duty to perform the act in respect to which the violation occurs.

SECTION 314. 77.61 (5) (b) 10. of the statutes is repealed and recreated to read:

77.61 **(5)** (b) 10. A licensing department or the supreme court, if the supreme court agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a license based on tax delinquency under s. 73.0301.

SECTION 315. 77.62 (1) (intro.) of the statutes is amended to read:

77.62 **(1)** (intro.) The department of revenue may exercise the powers vested in it by ss. 71.80 (12), 71.82 (2), 71.91 (1) (a) and (c), (2) to (5m)~~,~~ and (7) ~~and (8) and~~, 71.92 and 73.0301 in connection with collection of delinquent sales and use taxes including, without limitation because of enumeration, the power incorporated by reference in s. 71.91 (5) (j), and the power to:

SECTION 315m. 77.82 (1) (a) 1. of the statutes is amended to read:

77.82 **(1)** (a) 1. It consists of at least 10 contiguous acres in a single municipality, except as provided in this subdivision. The fact that a lake, river, stream or flowage, a public or private road or a railroad or utility right−of−way separates any part of the land from any other part does not render a parcel of land noncontiguous. If a part of a parcel of at least 10 contiguous acres is separated from another part of that parcel by a public road, that part of the parcel may be enrolled in the program, even if that part is less than 10 acres, if that part meets the requirement under subd. 2. and is not ineligible under par. (b).

SECTION 315p. 77.995 of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

77.995 Imposition. There is imposed a fee at the rate of 3%, or 5% for the rental of limousines, of the gross receipts on the rental, but not for rerental and not for rental as a service or repair replacement vehicle of Type 1 automobiles, as defined in s. 340.01 (4) (a); of station wagons, as defined in s. 340.01 (61); ~~of motor trucks, as defined in s. 340.01 (34); of road tractors, as defined in s. 340.01 (53); of truck tractors, as defined in s. 340.01 (73); of semitrailers, as defined in s. 340.01 (57); of trailers, as defined in s. 340.01 (71); of motor buses, as defined in s. 340.01 (31);~~ of mobile homes, as defined in s. 340.01 (29); of motor homes, as defined in s. 340.01 (33m); and of camping trailers, as defined in s. 340.01 (6m) by establishments primarily engaged in short−term rental of vehicles without drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m) or (9a). In this section, "limousine" means a passenger automobile that has a capacity of 10 or fewer persons, excluding the driver; that has a minimum of 5 seats behind the driver; that is operated for hire on an hourly basis under a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person who hires the vehicle and not over a defined regular route; but "limousine" does not include taxicabs, hotel or airport shuttles or buses, buses employed solely in transporting school children or teachers, vehicles owned and operated without charge or remuneration by a business entity for its own purposes, vehicles used in carpools or vanpools, public agency vehicles that are not operated as a commercial venture, vehicles operated as part of the employment transit assistance program under s. 106.26, ambulances or any vehicle that is used exclusively in the business of funeral directing.

SECTION 316d. Subchapter XIII of chapter 77 [precedes 77.997] of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

SECTION 316m. 78.01 (2) (e) of the statutes is created to read:

78.01 **(2)** (e) Gasoline sold for nonhighway use in mobile machinery and equipment; other than use in a snowmobile, an all−terrain vehicle that is not registered for private use under s. 23.33 (2) (d) or a recreational motorboat; and delivered directly into the consumer's storage tank in an amount of not less than 100 gallons.

SECTION 317. 78.70 (1) (intro.) of the statutes is amended to read:

78.70 **(1)** DEPARTMENT AUTHORITY. (intro.) The department may collect delinquent motor vehicle fuel, alternate fuel and general aviation fuel taxes in the manner provided for the collection of delinquent income and franchise taxes under ss. 71.80 (12), 71.82 (2), 71.91 (1) (a) and (c) and (2) to ~~(8) and~~ (7), 71.92 and 73.0301, including proceeding under the authority incorporated by reference in s. 71.91 (5) (j) and the authority to:

SECTION 317g. 78.73 (1) (dm) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed and recreated to read:

78.73 **(1)** (dm) Presents an exemption certificate under s. 78.01 (2) (e) or obtains motor vehicle fuel tax−free under s. 78.01 (2) (f), and uses the fuel obtained tax−free on the basis of the certificate in a manner other than the manner for which the certificate was issued;

SECTION 317n. 79.03 (3) (b) 3. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

79.03 **(3)** (b) 3. "Full valuation" means the full value of property that is exempt under s. 70.11 (39) as determined under s. 79.095 (3) plus the full value of all taxable property for the preceding year as equalized for state tax

purposes, except that for municipalities the value of real estate assessed under s. 70.995 is excluded. Value increments under s. 66.46 plus the full value of property that is exempt under s. 70.11 (39) that would otherwise be part of a value increment are included for municipalities but excluded for counties. Environmental remediation value increments under s. 66.462 are included for municipalities and counties that create the environmental remediation tax incremental district and are excluded for units of government that do not create the district. If property that had been assessed under s. 70.995 and that has a value exceeding 10% of a municipality's value is assessed under s. 70.10, 30% of that property's full value is included in "full valuation" for purposes of the shared revenue payments in the year after the assessment under s. 70.10, 65% of that property's full value is included in "full valuation" for purposes of the shared revenue payments in the year 2 years after the assessment under s. 70.10 and 100% of that property's full value is included in "full valuation" for purposes of subsequent shared revenue payments.

SECTION 317p. 79.03 (3) (b) 4. (intro.) of the statutes is amended to read:

79.03 **(3)** (b) 4. (intro.) "Local purpose revenues" means the sum of payments under s. 79.095, local general purpose taxes, regulation revenues, revenues for services to private parties by a county's or municipality's general operations or enterprises, revenue for sanitation services to private parties, special assessment revenues, tax base equalization aids and, for municipalities only, a proxy for private sewer service costs, a proxy for private solid waste and recycling service costs and a proxy for retail charges for fire protection purposes. In this subdivision:

SECTION 318. 79.095 of the statutes is created to read:

79.095 State aid; computers. (1) DEFINITIONS. In this section:

(a) "Department" means the department of revenue.

(b) "Gross tax rate" means the property tax rate without consideration of the credits under subch. II.

(bm) "Special purpose district" means a metropolitan sewerage district organized under ss. 66.88 to 66.918, a town sanitary district organized under subch. IX of ch. 60, a metropolitan sewerage district created under s. 66.22 or a public inland lake protection and rehabilitation district organized under subch. IV of ch. 33.

(c) "Taxing jurisdiction" means a municipality, county, school district, special purpose district, tax incremental district or technical college district.

(2) REPORTING. Each municipality shall report to the department the following information:

(a) On or before May 1, the value of the computers that are exempt under s. 70.11 (39) in each taxing jurisdiction for which the municipality assesses property.

(b) On or before December 31, the tax rate used for each tax incremental district for which the municipality assesses property.

(3) REVIEW BY DEPARTMENT. The department shall adjust each rate reported under sub. (2) (b) to a full−value rate. The department shall review and correct the information submitted under sub. (2) (a), shall determine the full value of all of the computers reported under sub. (2) (a) and of all the computers under s. 70.995 (12r) and, on or before October 1, shall notify each taxing jurisdiction of the full value of the computers that are exempt under s. 70.11 (39) and that are located in the jurisdiction. The department shall adjust the full value that is reported to taxing jurisdictions under this subsection in the year after an error occurs or a value has been changed due to an appeal. All disputes between the department and municipalities about the value of the property reported under sub. (2) (a) or of the property under s. 70.995 (12r) shall be resolved by using the procedures under s. 70.995 (8).

(4) PAYMENT. The department shall calculate the payments due each taxing jurisdiction under this section by multiplying the full value as of the January 1 of the preceding year of the computers that are exempt under s. 70.11 (39) and that are located in the jurisdiction by the full−value gross tax rate of the jurisdiction for the preceding year. The department shall certify the amount of the payment due each taxing jurisdiction to the department of administration, which shall make the payments on or before the first Monday in May.

SECTION 319. 84.06 (2) (a) of the statutes is amended to read:

84.06 **(2)** (a) All such highway improvements shall be executed by contract based on bids unless the department finds that another method as provided in sub. (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in the manner determined by the department. Except as provided in s. 84.075, the contract shall be awarded to the lowest competent and responsible bidder as determined by the department. If the bid of the lowest competent bidder is determined by the department to be in excess of the estimated reasonable value of the work or not in the public interest, all bids may be rejected. The department shall, so far as reasonable, follow uniform methods of advertising for bids and may prescribe and require uniform forms of bids and contracts. Except as provided in par. (b), the secretary shall enter into the contract on behalf of the state. Every such contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but ss. 16.528, 16.752 and 16.754 apply to the contract. Any such contract involving an expenditure of $1,000 or more shall not be valid until approved by the governor. The secretary may require the attorney general to examine any contract and any bond submitted in connection with the contract and report on its sufficiency of form and execution. The bond required by s. 779.14 (1m) ~~(b) for any such contract involving an expenditure of less than $1,000~~ is exempt from approval by the governor and shall be subject to approval by the secretary. This subsec-

tion also applies to contracts with private contractors based on bids for maintenance under s. 84.07.

SECTION 319gg. 84.185 (1) (bm) of the statutes is created to read:

84.185 **(1)** (bm) "Grant ceiling" means the department's maximum financial participation in an improvement.

SECTION 319gm. 84.185 (3) of the statutes is created to read:

84.185 **(3)** DEPARTMENT SHARE. (a) When awarding a grant under this section, the department shall establish a grant ceiling. Except as provided in par. (b) 2., the grant ceiling shall not be amended after the secretary has approved an application for funding. Except as provided in par. (b), the grant ceiling shall be the lesser of the following:

1. 50% of the anticipated cost of the improvement.

2. Five thousand dollars for each job in this state resulting directly from the improvement or economic development project.

(b) 1. If the secretary finds that special circumstances exist, the secretary may increase the grant ceiling determined under par. (a).

2. The secretary may increase the grant ceiling determined under par. (a) by $50,000 if the secretary determines that all of the following apply:

a. The improvement includes the construction, expansion or rehabilitation of a rail spur or other facility related to railroads.

b. The applicant demonstrates that the improvement will result in a reduction in the amount of motor truck traffic entering or exiting the area or community in which the improvement is located.

c. The department received the application for assistance under this section before April 27, 1998, and either the improvement was not completed by that date or not all reimbursements under this section were made by that date.

3. The department may reduce the grant ceiling determined under par. (a) for any reason, including the following:

a. The grant ceiling determined under par. (a) is based on 50% of the anticipated cost of the improvement and would result in a grant exceeding $1 million.

b. Grants for all eligible applications would exceed available funds.

SECTION 320. 85.52 (3) (dm) of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

SECTION 320m. 86.195 (2) (ag) 16m. of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

SECTION 320s. 93.01 (10) of the statutes is amended to read:

93.01 **(10)** "Pests" include any living stage of insects, mites, nematodes, slugs, snails or other invertebrate animals injurious to plants, plant products, animals and humans; any bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, mycoplasma, protozoans or infectious substances which cause disease in or damage to plants or plant products; any host upon which a plant pest is dependent for the completion of all or a portion of its life cycle; and any other living organism classified as a pest under s. 94.69 (1) (a).

SECTION 322d. 94.69 of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 94.69 (1).

SECTION 322e. 94.69 (2) of the statutes is created to read:

94.69 **(2)** (a) Notwithstanding sub. (1) (i) and ss. 160.19 and 160.21, the department may not promulgate a rule prohibiting the use of atrazine in part or all of the area described in par. (b), based on a sample of groundwater taken before the effective date of this paragraph .... [revisor inserts date], with a concentration of total chlorinated atrazine residue that attains or exceeds the enforcement standard if the concentration of total chlorinated atrazine residue in a subsequent sample of groundwater from the same sampling point is less than the enforcement standard, except that the department may promulgate a rule prohibiting the use of atrazine in part or all of the area described in par. (b) based on a sample of groundwater taken after the effective date of this paragraph .... [revisor inserts date], in which the concentration of total chlorinated atrazine residue attains or exceeds the enforcement standard.

(b) Paragraph (a) applies to an area in the town of North Lancaster, Grant County, described as follows: SE−1/4 of Sec. 7, S−1/2 of Sec. 8, SW−1/4 of Sec. 9, W−1/2 of Sec. 16, Sec. 17, E−1/2 of Sec. 18, NE−1/4 of Sec. 19, N−1/2 of Sec. 20 and NW−1/4 of Sec. 21, T. 5 N., R. 3 W.

SECTION 322g. 95.60 (3) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

95.60 **(3)** A person who operates a fish farm shall obtain an annual health certificate from a veterinarian licensed under ch. 453 or from a person who is qualified to issue fish health certificates under sub. (4s) (c) for any fish eggs present or any fish reared on the fish farm, except that a fish farm operator who does not sell, distribute or release live fish or fish eggs from the fish farm may rely upon health certificates under this subsection that are obtained by the person from whom the fish farm operator receives fish or fish eggs.

SECTION 322j. 95.60 (7) of the statutes is created to read:

95.60 **(7)** Any information kept by the department that identifies the type or number of fish or fish eggs bought, raised or sold by a privately owned fish farm or the supplier or purchaser of those fish or fish eggs is not subject to inspection or copying under s. 19.35 (1) except as the department determines is necessary to protect fish health or prevent the spread of disease.

SECTION 325. 101.01 (11) of the statutes is amended to read:

101.01 **(11)** "Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employes for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community−based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer ~~unrelated~~ residents who are not related to the operator or administrator.

SECTION 326. 101.01 (12) of the statutes is amended to read:

101.01 **(12)** "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community−based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer ~~unrelated~~ residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1)

SECTION 327. 101.02 (20) of the statutes is created to read:

101.02 **(20)** (a) For purposes of this subsection, "license" means a license, permit or certificate of certification or registration issued by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.95, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

(b) The department of commerce may not issue or renew a license unless each applicant who is an individual provides the department of commerce with his or her social security number and each applicant that is not an individual provides the department of commerce with its federal employer identification number. The department of commerce may not disclose the social security number or the federal employer identification number of an applicant for a license or license renewal except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(c) The department of commerce may not issue or renew a license if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes.

(d) The department of commerce shall revoke a license if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes.

SECTION 328. 101.127 of the statutes is amended to read:

101.127 Building requirements for certain residential facilities. The department, after consultation with the department of health and family services, shall develop a building code for previously constructed buildings converted to use as community−based residential facilities as defined in s. 50.01 (1g) which serve between 9 and 20 ~~unrelated~~ residents who are not related to the operator or administrator. In setting standards, the department shall consider the criteria enumerated in ss. 46.03 (25) and 50.02 (3) (b), and in addition shall consider the relationship of the development and enforcement of the code to any relevant codes of the department of health and family services. The objectives of the code shall be to guarantee health and safety and to maintain insofar as possible a homelike environment. The department shall consult with the residential facilities council in developing the code. Notwithstanding s. 101.121, a historic building as defined in s. 101.121 (2) (am) which is converted to use as a community−based residential facility serving between 9 and 20 ~~unrelated~~ residents who are not related to the operator or administrator is governed only by the building code promulgated under this section.

SECTION 329. 101.13 (title) of the statutes is amended to read:

101.13 (title) **Physically disabled persons; place of employment and public building requirements.**

SECTION 330. 101.132 of the statutes is created to read:

101.132 Physically disabled persons; housing requirements. (1) DEFINITIONS. In this section:

(e) "Disability" has the meaning given in s. 106.04 (1m) (g).

(f) "Dwelling unit" has the meaning given in s. 106.04 (1m) (i).

(g) "Housing" has the meaning given in s. 106.04 (1m) (L).

(2) DISCRIMINATION AGAINST PERSONS WITH PHYSICAL DISABILITIES PROHIBITED. (a) *Design and construction of covered multifamily housing.* In addition to discrimination prohibited under s. 106.04 (2), (2m) and (2r) (b) and (bm), no person may design or construct covered multifamily housing unless it meets all of the following standards:

SECTION 331. 101.143 (6s) of the statutes is created to read:

101.143 **(6s)** ARBITRATION. Upon the request of a person who files an appeal of a decision of the department under this section, if the amount at issue is $20,000 or less, the appeal shall be heard by one or more individuals designated by the department to serve as arbitrator under rules promulgated for this purpose by the department. In such an arbitration, the arbitrator shall render a decision at the conclusion of the hearing, or within 5 business days after the conclusion of the hearing if the arbitrator determines that additional time is needed to review materials submitted during the hearing, affirming, modifying or rejecting the decision of the department. The arbitrator shall promptly file his or her decision with the department. The decision of the arbitrator is final and shall stand as the decision of the department. An arbitrator's decision may not be cited as precedent in any other proceeding before the department or before any court. A decision under this subsection is subject to review under ss. 227.53 to 227.57 only on the ground that the decision was procured by corruption, fraud or undue means. The record of a proceeding under this subsection shall be transcribed as provided in s. 227.44 (8).

SECTION 331g. 102.17 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

102.17 **(1)** (c) Either party shall have the right to be present at any hearing, in person or by attorney, or any other agent, and to present such testimony as may be pertinent to the controversy before the department. No person, firm or corporation other than an attorney at law, duly licensed to practice law in the state, may appear on behalf of any party in interest before the department or any member or employe of the department assigned to conduct any hearing, investigation or inquiry relative to a claim for compensation or benefits under this chapter, unless the person is 18 years of age or older, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, is otherwise qualified and has obtained from the department a license with authorization to appear in matters or proceedings before the department. Except as provided under ~~par.~~ pars. (cm) and (cr), the license shall be issued by the department under rules to be adopted by the department. There shall be maintained in the office of the department a current list of persons to whom licenses have been issued. Any license may be suspended or revoked by the department for fraud or serious misconduct ~~and~~ on the part of an agent, any license may be denied, suspended, nonrenewed or otherwise withheld by the department for failure to pay court−ordered payments as provided in par. (cm) on the part of an agent and any license may be denied or revoked if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. Before suspending or revoking the license of the agent on the grounds of fraud or misconduct, the department shall give notice in writing to the agent of the charges of fraud or misconduct, and shall give the agent full opportunity to be heard in relation to the same. In denying, suspending, restricting, refusing to renew or otherwise withholding a license for failure to pay court−ordered payments as provided in par. (cm), the department shall follow the procedure provided in a memorandum of understanding entered into under s. 49.857. The license and certificate of authority shall, unless otherwise suspended or revoked, be in force from the date of issuance until the June 30 following the date of issuance and may be renewed by the department from time to time, but each renewed license shall expire on the June 30 following the issuance thereof.

SECTION 331j. 102.17 (1) (cg) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

102.17 **(1)** (cg) 1. The department shall require each applicant for a license under par. (c) who is an individual to provide the department with ~~his or her~~ the applicant's social security number, and shall require each applicant for a license under par. (c) who is not an individual to provide the department with the applicant's federal employer identification number, when initially applying for or applying to renew the license.

2. The department may not issue or renew a license under par. (c) to or for an applicant who is an individual unless the applicant has provided ~~his or her~~ the applicant's social security number to the department and may not issue or renew a license under par. (c) to or for an applicant who is not an individual unless the applicant has provided the applicant's federal employer identification number to the department.

3. The subunit of the department that obtains a social security number or a federal employer identification number under subd. 1. may not disclose the social security number ~~only~~ or the federal employer identification number to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22 (2m).

SECTION 331L. 102.17 (1) (cr) of the statutes is created to read:

102.17 **(1)** (cr) The department shall deny an application for the issuance or renewal of a license under par. (c), or revoke such a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. Notwithstanding par. (c), an action taken under this paragraph is subject to review only as provided under s. 73.0301 (5) and not as provided in ch. 227.

SECTION 332m. 102.27 (2) (a) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

102.27 **(2)** (a) A benefit under this chapter is assignable under s. 46.10 (14) (e), 301.12 (14) (e), 767.23 (1)

(L), 767.25 (4m) (c), 767.265 (1), 767.51 (3m) (c) or 767.62 (4) (b) 3.

SECTION 333. 102.33 (2) (b) 6. of the statutes is created to read:

102.33 **(2)** (b) 6. The department of revenue requests the record for the purpose of locating a person, or the assets of a person, who has failed to file tax returns, who has underreported taxable income or who is a delinquent taxpayer; identifying fraudulent tax returns; or providing information for tax−related prosecutions.

SECTION 333b. 103.005 (10) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

103.005 **(10)** Except as provided in ss. 103.275 (2) (bm) and (br), 103.91 (4) (b) and (c), 103.92 (6) and (7), 104.07 (5) and (6) and 105.13 (2) and (3), orders of the department under chs. 103 to 106 shall be subject to review in the manner provided in ch. 227.

SECTION 333bm. 103.05 (4) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 103.05 (4) (a) and amended to read:

103.05 **(4)** (a) ~~No~~ Except as provided in par. (b), no person may use or disclose information obtained under this section except in the administration of the program under s. 49.22 or a program specified in 42 USC 653a (h).

SECTION 333bp. 103.05 (4) (b) of the statutes is created to read:

103.05 **(4)** (b) The department may, to the extent permitted under federal law, disclose information obtained under this section to the department of revenue for the purposes of locating persons, or the assets of persons, who have failed to file tax returns, who have underreported their taxable income or who are delinquent taxpayers, identifying fraudulent tax returns or providing information for tax−related prosecutions.

SECTION 333d. 103.275 (2) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

103.275 **(2)** (b) (intro.) Except as provided under ~~par.~~ pars. (bm) and (br), upon receipt of a properly completed application, the department shall issue a house−to−house employer certificate if all of the following apply:

SECTION 333e. 103.275 (2) (bg) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

103.275 **(2)** (bg) 1. The department shall require each applicant for a house−to−house employer certificate under this subsection who is an individual to provide the department with the applicant's social security number, and shall require each applicant for a house−to−house employer certificate who is not an individual to provide the department with the applicant's federal employer identification number, when initially applying for or applying to renew the house−to−house employer certificate.

2. The department may not issue or renew a house−to−house employer certificate under this subsection to or for an applicant who is an individual unless the applicant has provided ~~his or her~~ the applicant's social security number to the department and may not issue or renew a house−to−house employer certificate under this subsection to or for an applicant who is not an individual unless the applicant has provided the applicant's federal employer identification number to the department.

3. The subunit of the department that obtains a social security number or a federal employer identification number under subd. 1. may not disclose the social security number ~~only~~ or the federal employer identification number to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22 (2m).

SECTION 333f. 103.275 (2) (br) of the statutes is created to read:

103.275 **(2)** (br) The department shall deny an application for the issuance or renewal of a house−to−house employer certificate, or revoke such a certificate already issued, if the department of revenue certifies under s. 73.0301 that the applicant or house−to−house employer is liable for delinquent taxes. Notwithstanding sub. (7) and s. 103.005 (10), an action taken under this paragraph is subject to review only as provided under s. 73.0301 (5) and not as provided in sub. (7) and ch. 227.

SECTION 333g. 103.275 (7) (b) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

103.275 **(7)** (b) Except as provided in sub. (2) (bm) and (br), after providing at least 10 days' notice to a house−to−house employer, the department may, on its own or upon a written and signed complaint, suspend the house−to−house employer's certificate. The department shall serve a copy of the complaint with notice of a suspension of the certificate on the person complained against, and the person shall file an answer to the complaint with the department and the complainant within 10 days after service. After receiving the answer, the department shall set the matter for hearing as promptly as possible and within 30 days after the date of filing the complaint. Either party may appear at the hearing in person or by attorney or agent. The department shall make its findings and determination concerning the suspension within 90 days after the date that the hearing is concluded and send a copy to each interested party.

SECTION 333h. 103.275 (7) (c) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

103.275 **(7)** (c) Except as provided in sub. (2) (bm) and (br), the department may revoke a certificate issued under sub. (2) after holding a public hearing at a place designated by the department. At least 10 days prior to the revocation hearing, the department shall send written notice of the time and place of the revocation hearing to the person holding the certificate and to the person's attorney or agent of record by mailing the notice to their last−known address. The testimony presented and proceedings at the revocation hearing shall be recorded and

preserved as the records of the department. The department shall, as soon after the hearing as possible, make its findings and determination concerning revocation and send a copy to each interested party.

SECTION 333j. 103.91 (2) (b) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

103.91 **(2)** (b) 1. The department shall require each applicant for a certificate under par. (a) who is an individual to provide the department with ~~his or her~~ the applicant's social security number, and shall require each applicant for a certificate under par. (a) who is not an individual to provide the department with the applicant's federal employer identification number, when initially applying for or applying to renew the certificate.

2. The department may not issue or renew a certificate under par. (a) to or for an applicant who is an individual unless the applicant has provided ~~his or her~~ the applicant's social security number to the department and may not issue or renew a certificate under par. (a) to or for an applicant who is not an individual unless the applicant has provided the applicant's federal employer identification number to the department.

3. The subunit of the department that obtains a social security number or a federal employer identification number under subd. 1. may not disclose the social security number ~~only~~ or the federal employer identification number to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22 (2m).

SECTION 333k. 103.91 (4) (c) of the statutes is created to read:

103.91 **(4)** (c) The department shall deny an application for the issuance or renewal of a certificate under sub. (1), or revoke such a certificate already issued, if the department of revenue certifies under. s. 73.0301 that the applicant or registrant is liable for delinquent taxes. Notwithstanding s. 103.005 (10), an action taken under this paragraph is subject to review only as provided under s. 73.0301 (5) and not as provided in ch. 227.

SECTION 333m. 103.92 (1) (b) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

103.92 **(1)** (b) 1. The department shall require each applicant for a certificate under par. (a) who is an individual to provide the department with ~~his or her~~ the applicant's social security number, and shall require each applicant for a certificate under par. (a) who is not an individual to provide the department with the applicant's federal employer identification number, when initially applying for or applying to renew the certificate.

2. The department may not issue or renew a certificate under par. (a) to or for an applicant who is an individual unless the applicant has provided ~~his or her~~ the applicant's social security number to the department and may not issue or renew a certificate under par. (a) to or for an applicant who is not an individual unless the applicant has provided the applicant's federal employer identification number to the department.

3. The subunit of the department that obtains a social security number or a federal employer identification number under subd. 1. may not disclose the social security number ~~only~~ or the federal employer identification number to any person except to the department of revenue for the sole purpose of requesting certifications under. s. 73.0301 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22 (2m).

SECTION 333n. 103.92 (3) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

103.92 **(3)** CERTIFICATE. The department shall inspect each camp for which application to operate is made, to determine if it is in compliance with the rules of the department establishing minimum standards for migrant labor camps. Except as provided under ~~sub.~~ subs. (6) and (7), if the department finds that the camp is in compliance with the rules, it shall issue a certificate authorizing the camp to operate until March 31 of the next year. The department shall refuse to issue a certificate if it finds that the camp is in violation of such rules ~~or~~, if the person maintaining the camp has failed to pay court–ordered payments as provided in sub. (6) or if the person maintaining the camp is liable for delinquent taxes as provided in sub. (7).

SECTION 333p. 103.92 (7) of the statutes is created to read:

103.92 **(7)** LIABILITY FOR DELINQUENT TAXES. The department shall deny an application for the issuance or renewal of a certificate to operate a migrant labor camp, or revoke such a certificate already issued, if the department of revenue certifies under s. 73.0301 that the applicant or person operating the camp is liable for delinquent taxes. Notwithstanding s. 103.005 (10), an action taken under this subsection is subject to review only as provided under s. 73.0301 (5) and not as provided in ch. 227.

SECTION 333r. 104.07 (1) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

104.07 **(1)** The department shall make rules and, except as provided under ~~sub.~~ subs. (5) and (6), grant licenses, to any employer who employs any employe unable to earn the living–wage theretofore determined upon, permitting such person to work for a wage which shall be commensurate with ability and each license so granted shall establish a wage for the licensee.

SECTION 333s. 104.07 (2) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

104.07 **(2)** The department shall make rules and, except as provided under ~~sub.~~ subs. (5) and (6), grant licenses to sheltered workshops to permit the employment of handicapped workers unable to earn the living–wage theretofore determined upon permitting such persons to work for a wage which shall be commensurate with his

or her ability and productivity. A license granted to a sheltered workshop, under this section, may be issued for the entire workshop or a department thereof.

SECTION 333t. 104.07 (4) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

104.07 **(4)** (a) The department shall require each applicant for a license under sub. (1) or (2) who is an individual to provide the department with ~~his or her~~ the applicant's social security number, and shall require each applicant for a license under sub. (1) or (2) who is not an individual to provide the department with the applicant's federal employer identification number, when initially applying for or applying to renew the license.

(b) The department may not issue or renew a license under sub. (1) or (2) to or for an applicant who is an individual unless the applicant has provided ~~his or her~~ the applicant's social security number to the department and may not issue or renew a license under sub. (1) or (2) to or for an applicant who is not an individual unless the applicant has provided the applicant's federal employer identification number to the department.

(c) The subunit of the department that obtains a social security number or a federal employer identification number under par. (a) may not disclose the social security number ~~only~~ or the federal employer identification number to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22 (2m).

SECTION 333u. 104.07 (6) of the statutes is created to read:

104.07 **(6)** The department shall deny an application for the issuance or renewal of a license under sub. (1) or (2), or revoke such a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. Notwithstanding s. 103.005 (10), an action taken under this subsection is subject to review only as provided under s. 73.0301 (5) and not as provided in ch. 227.

SECTION 333w. 105.06 (1m) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

105.06 **(1m)** (a) The department shall require each applicant for a license under sub. (1) who is an individual to provide the department with ~~his or her~~ the applicant's social security number, and shall require each applicant for a license under sub. (1) who is not an individual to provide the department with the applicant's federal employer identification number, when initially applying for or applying to renew the license.

(b) The department may not issue or renew a license under sub. (1) to or for an applicant who is an individual unless the applicant has provided ~~his or her~~ the applicant's social security number to the department and may not issue or renew a license under sub. (1) to or for an applicant who is not an individual unless the applicant has provided the applicant's federal employer identification number to the department.

(c) The subunit of the department that obtains a social security number or a federal employer identification number under par. (a) may not disclose the social security number ~~only~~ or the federal employer identification number to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22 (2m).

SECTION 333x. 105.13 (1) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

105.13 **(1)** The department may issue licenses to employment agents, and refuse to issue a license whenever, after investigation, the department finds that the character of the applicant makes the applicant unfit to be an employment agent ~~or~~, that the applicant has failed to pay court−ordered payments as provided in sub. (2) or that the applicant is liable for delinquent taxes as provided in sub. (3), or when the premises for conducting the business of an employment agent is found upon investigation to be unfit for such use. Any license granted by the department may be suspended or revoked by it upon notice to the licensee and good cause. Failure to comply with this chapter and rules promulgated thereunder, or with any lawful orders of the department, is cause to suspend or revoke a license. Failure to pay court−ordered payments as provided in sub. (2) is cause to deny, suspend, restrict, refuse to renew or otherwise withhold a license. Liability for delinquent taxes as provided in sub. (3) is cause to deny or revoke a license.

SECTION 333y. 105.13 (3) of the statutes is created to read:

105.13 **(3)** The department shall deny an application for the issuance or renewal of an employment agent's license, or revoke such a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. Notwithstanding s. 103.005 (10), an action taken under this subsection is subject to review only as provided under s. 73.0301 (5) and not as provided in ch. 227.

SECTION 334. 106.04 (2r) (a) (intro.) of the statutes is repealed.

SECTION 335. 106.04 (2r) (a) 1. of the statutes is renumbered 101.132 (1) (a).

SECTION 336. 106.04 (2r) (a) 2. of the statutes is renumbered 101.132 (1) (b).

SECTION 337m. 106.04 (2r) (a) 3. of the statutes, as affected by 1997 Wisconsin Act 112, is renumbered 101.132 (1) (c).

SECTION 338. 106.04 (2r) (a) 4. of the statutes is renumbered 101.132 (1) (d).

SECTION 339. 106.04 (2r) (a) 5. of the statutes is renumbered 101.132 (1) (h) and amended to read:

101.132 **(1)** (h) ~~"Remodeling"~~ "Remodel" means to substantially improve, alter, extend or otherwise change the structure of a building or change the location of exits, but ~~shall~~ does not include maintenance, redecoration, reroofing or alteration of mechanical or electrical systems.

SECTION 340. 106.04 (2r) (a) 6. of the statutes is renumbered 101.132 (1) (i).

SECTION 341. 106.04 (2r) (c) (intro.) of the statutes is renumbered 106.04 (2r) (c) and amended to read:

106.04 **(2r)** (c) *Design and construction of covered multifamily housing.* In addition to discrimination prohibited under pars. (b) and (bm) and subs. (2) and (2m), no person may design or construct covered multifamily housing, as defined in s. 101.132 (1) (d), unless it meets ~~all of the following~~ the standards~~:~~ specified in s. 101.132 (2) (a) 1. to 4. In addition, no person may remodel, as defined in s. 101.132 (1) (h), housing with 3 or more dwelling units unless the remodeled housing meets the standards specified in s. 101.132 (2) (a) 1. to 4. as required under s. 101.132 (2) (b) 1., 2. or 3., whichever is applicable.

SECTION 342. 106.04 (2r) (c) 1. of the statutes is renumbered 101.132 (2) (a) 1.

SECTION 343. 106.04 (2r) (c) 2. of the statutes is renumbered 101.132 (2) (a) 2.

SECTION 344. 106.04 (2r) (c) 3. of the statutes is renumbered 101.132 (2) (a) 3.

SECTION 345. 106.04 (2r) (c) 4. of the statutes is renumbered 101.132 (2) (a) 4.

SECTION 346. 106.04 (2r) (d) of the statutes is renumbered 101.132 (2) (b) and amended to read:

101.132 **(2)** (b) *Remodeling.* 1. If more than 50% of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the entire housing shall conform to the standards in par. ~~(c)~~ (a), regardless of when the housing was first intended for occupancy.

2. If 25% to 50% of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, that part of the housing that is to be remodeled shall conform to the standards in par. ~~(c)~~ (a), regardless of when the housing was first intended for occupancy.

3. If less than 25% of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the remodeling is not subject to the standards in par. ~~(c)~~ (a) unless the alteration involves work on doors, entrances, exits or toilet rooms, in which case the doors, entrances, exits or toilet rooms shall conform to the standards in par. ~~(c)~~ (a) regardless of when the housing was first intended for occupancy.

4. The department may grant a variance or waiver from the requirements under this paragraph relating to exterior accessibility using the standards and procedures under par. ~~(e)~~ (c).

SECTION 347. 106.04 (2r) (e) of the statutes is renumbered 101.132 (2) (c) and amended to read:

101.132 **(2)** (c) *Permit and variance procedures.* 1. Plans and specifications for all covered multifamily housing subject to par. ~~(c)~~ (a) and proposed remodeling subject to par. ~~(d)~~ (b) shall be submitted to the department or its authorized representative for examination and approval before commencing work. The department shall promulgate rules that specify the materials to be included in the submittal, the procedures to be followed upon receipt of a submittal, reasonable time limitations for reviewing submittals and issuing or denying permits and qualifications for authorized representatives.

2. The department may grant a variance from the requirements relating to exterior accessibility under par. ~~(c)~~ (a) 1. or ~~(d)~~ (b), or from administrative rules promulgated under ~~sub. (1s)~~ par. (e) 2. or 3., if the person designing, constructing or remodeling the housing shows that meeting those requirements is impractical because of the terrain or unusual characteristics of the site. The department shall use a slope analysis of the undisturbed site for covered multifamily housing under par. ~~(c)~~ (a) or the existing site for remodeling under par. ~~(d)~~ (b) to determine the minimum number of accessible entrances at each site, with a minimum goal of exterior accessibility of 50% of the dwelling units of covered multifamily housing at one site. The department may impose specific conditions in granting a variance to promote exterior accessibility of the housing to persons with disabilities. If the department finds that exterior accessibility is impractical as to all dwelling units at a site, it may grant a waiver from the requirements under par. ~~(c)~~ (a) 1. or ~~(d)~~ (b).

SECTION 348. 106.04 (2r) (f) (title) and 1. of the statutes are renumbered 101.132 (2) (d) (title) and 1.

SECTION 349. 106.04 (2r) (f) 2. of the statutes is renumbered 101.132 (2) (d) 2. and amended to read:

101.132 **(2)** (d) 2. Subdivision 1. does not apply to remodeled or covered multifamily housing for which a building permit is issued on or after ~~the first day of the 7th month beginning after the effective date of administrative rules promulgated by the department under this subsection establishing the accessibility standards for design and construction under par. (c)~~ January 1, 1995.

SECTION 350. 106.04 (2r) (g) (title) and 1. of the statutes are renumbered 101.132 (2) (e) (title) and 1.

SECTION 351. 106.04 (2r) (g) 2. of the statutes is renumbered 101.132 (2) (e) 2. and amended to read:

101.132 **(2)** (e) 2. The department shall promulgate rules establishing minimum accessibility requirements for the design and construction of covered multifamily housing and the remodeling of housing that are consistent with this subsection, that incorporate the applicable standards under ANSI A117.1 and that set forth permit and variance procedures for purposes of par. ~~(e)~~ (c).

SECTION 352m. 106.04 (2r) (g) 3. of the statutes is repealed.

SECTION 353. 106.04 (6) (a) 3. of the statutes is amended to read:

106.04 **(6)** (a) 3. The complaint may be filed by an aggrieved person, by an interested person, ~~or~~ by the department of workforce development under par. (b) or, if the complaint charges a violation of sub. (2r) (c), by the department of commerce. The department of workforce development shall, upon request, provide appropriate assistance in completing and filing complaints.

SECTION 354. 106.04 (6) (b) of the statutes is amended to read:

106.04 **(6)** (b) *Powers and duties of department.* The department of workforce development and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this subsection. The department of workforce development may test and investigate for the purpose of establishing violations of sub. (2), (2m) or (2r) and may make, sign and file complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department of commerce may make, sign and file complaints alleging violations of sub. (2r) (c). The department of workforce development shall employ examiners to hear and decide complaints of discrimination under this section, and to assist in the administration of this section. The examiners may make findings and issue orders under this subsection. The department of workforce development shall develop and implement an investigation manual for use in conducting investigations under par. (c).

SECTION 354g. 106.04 (9) (d) of the statutes is created to read:

106.04 **(9)** (d) Nothing in this subsection prohibits a domestic abuse services organization, as defined in s. 895.67 (1) (b), from providing separate shelter facilities, private home shelter care, advocacy, counseling or other care, treatment or services for persons of different sexes or from providing for separate treatment of persons based on sex with regard to the provision of shelter facilities, private home shelter care, advocacy, counseling or other care, treatment or services for persons of different sexes.

SECTION 354m. 109.01 (1r) of the statutes is created to read:

Vetoed In Part

109.01 **(1r)** "Employe" means any person employed by an employer in this state, except that "employe" does not include an officer or director of a corporation, cooperative or association, a member or manager of a limited liability company, a partner of a partnership or a joint venture or the owner of a sole proprietorship.

SECTION 354n. 109.01 (2) of the statutes is amended to read:

109.01 **(2)** Except as provided in ~~s.~~ ss. 109.07 (1) (d) and 109.075 (1) (c), "employer" means any person engaged in any activity, enterprise or business employing one or more persons within the state, including the state and its political subdivisions and charitable, nonprofit or tax−exempt organizations and institutions.

Vetoed In Part

SECTION 354p. 109.01 (3) of the statutes, as affected by 1997 Wisconsin Act 39, is amended to read:

109.01 **(3)** "Wage" or "wages" mean remuneration payable to an employe for personal services actually rendered, including salaries, commissions, holiday and vacation pay, overtime pay, ~~severance pay or dismissal pay, supplemental unemployment benefit plan payments when required under a binding collective bargaining agreement,~~ bonuses and any other similar advantages for personal services actually rendered agreed upon between the employer and the employe or provided by the employer ~~to the employes~~ as an established policy. "Wage" or "wages" do not include severance pay, dismissal pay, supplemental unemployment benefit plan payments when required under a binding collective bargaining agreement or any other similar advantages payable to an employe, but not for personal services actually rendered.

SECTION 354q. 109.075 of the statutes is created to read:

109.075 Cessation of health care benefits affecting employes, retirees and dependents; advance notice required. (1) In this section:

(a) "Affected employe, retiree or dependent" means an employe, retired employe or a surviving covered dependent of an employe or retired employe who loses, or may reasonably be expected to lose, his or her health care benefits provided by an employer who is required to give notice under sub. (2) because the employer has decided to cease providing health care benefits.

(b) "Employe benefit plan" means a plan as defined in 29 USC 1002 (3).

(c) "Employer" means any business enterprise that employs 50 or more persons in this state.

(d) "Health care benefits" means coverage of health care expenses under an employe benefit plan.

(2) Subject to sub. (5) or (6), an employer who has decided to cease providing health care benefits in this state shall promptly notify any affected employe, retiree or dependent and any collective bargaining representative of any affected employe, retiree or dependent in writing of such action no later than 60 days prior to the date that the cessation of health care benefits takes place. This subsection does not apply to a cessation of health care benefits that is caused by a strike or lockout.

(3) (a) If an employer fails to give timely notice to an affected employe, retiree or dependent as required under sub. (2), the affected employe, retiree or dependent may recover, as provided under sub. (4), the value of any health care benefits that the affected employe, retiree or dependent would have received during the recovery period described under par. (c), but did not receive because of the cessation of health care benefits, including the cost of any medical treatment incurred that would have been covered but for the cessation of health care benefits.

(b) The amount that an affected employe may recover under par. (a) shall be reduced by any cost that the

affected employer incurs by crediting the affected employe, under an employe benefit plan, for time not actually served because of a business closing, as defined in s. 109.07 (1) (b), or mass layoff, as defined in s. 109.07 (1) (f).

(c) The recovery period under par. (a) begins on the day that the cessation of health care benefits occurs. The recovery period equals the number of days in the period beginning on the day on which an employer is required to give notice under sub. (2) and ending on whichever of the following occurs first:

1. The day that the employer actually gave the notice to the affected employe, retiree or dependent.

2. The day that the cessation of health care benefits occurred.

(4) (a) An affected employe, retiree or dependent whose employer or former employer, or whose spouse's or parent's employer or former employer, fails to notify timely the affected employe, retiree or dependent under sub. (2) may file a claim with the department. If the affected employe, retiree or dependent files a claim with the department no later than 300 days after the cessation of health care benefits occurred, the department shall, in the manner provided in s. 109.09, investigate the claim, determine the number of days that the employer or former employer was late in providing notice and, on behalf of the affected employe, retiree or dependent, attempt to recover from the employer or former employer the payment under sub. (3).

(b) If the department does not recover payment within 180 days after a claim is filed or within 30 days after it notifies the affected employe, retiree or dependent of its determination under par. (a), whichever is first, the department shall refer the claim to the department of justice. The department of justice may bring an action in circuit court on behalf of the affected employe, retiree or dependent to recover the payment under sub. (3).

(c) If the department of justice does not bring an action under par. (b) within 120 days after the claim is referred to it, the affected employe, retiree or dependent may bring an action in circuit court to recover the payment under sub. (3). If the affected employe, retiree or dependent prevails in the action, he or she shall also recover costs under ch. 814 and, notwithstanding s. 814.04 (1), reasonable attorney fees.

(d) An action under this section shall be begun within one year after the department refers the claim to the department of justice under par. (b), or be barred.

(5) (a) An employer is not liable under this section for a failure to give notice to any person under sub. (2), if the department determines all of the following:

1. When the notice under sub. (2) would have been timely given, that the employer was actively seeking capital or business to enable the employer to avoid or postpone indefinitely the cessation of health care benefits.

2. That the employer reasonably and in good faith believed that giving the notice required under sub. (2) would have prevented the employer from obtaining the capital or business.

(b) The department may not determine that an employer was actively seeking capital or business under par. (a) 1. unless the employer has a written record, made while the employer was seeking capital or business, of those activities. The record shall consist of the documents and other material specified by the department by rule under s. 109.12 (1) (b). The employer shall have individual documents in the record notarized, as required by the department's rules. The employer shall provide the department with an affidavit verifying the content of the notarized documents.

(6) An employer is not liable under this section for a failure to give notice to any person under sub. (2), if the department determines that the cessation of health care benefits is the result of any of the following:

(a) The sale of part or all of the employer's business, if the purchaser agrees in writing, as part of the purchase agreement, to provide health care benefits for all of the affected employes, retirees and dependents with not more than a 60−day break in coverage.

(b) Business circumstances that were not foreseeable when the notice would have been timely given.

(c) A natural or man−made disaster beyond the control of the employer.

(d) A temporary cessation in providing health care benefits, if the employer renews providing health care benefits for the affected employes, retirees and dependents on or before the 60th day beginning after the cessation.

(7) Each employer shall post, in one or more conspicuous places where notices to employes are customarily posted, a notice in a form approved by the department setting forth the rights of employes, retirees and dependents under this section. Any employer who violates this subsection shall forfeit not more than $100.

(8) Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

SECTION 354r. 109.09 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 109.09 (2) (a) and amended to read:

109.09 **(2)** (a) The department of workforce development, under its authority under sub. (1) to maintain actions for the benefit of employes, or an employe who brings an action under s. 109.03 (5) shall have a lien upon all property of the employer, real or personal, located in this state for the full amount of any wage claim or wage deficiency up to a maximum amount of $1,000.

Vetoed In Part

(b) 1. A lien under ~~this subsection~~ par. (a) upon real property takes effect when the department of workforce development or employe files a ~~verified petition claim~~

~~ing~~ notice of the lien with the clerk of the circuit court of the county in which the services or some part of the services were performed, pays the fee specified in s. 814.61 (5) to that clerk of circuit court and serves a copy of that petition on the employer by personal service in the same manner as a summons is served under s. 801.11 or by certified mail with a return receipt requested. The clerk of circuit court shall enter the notice of the lien on the judgment and lien docket kept under s. 779.07.

3. The department of workforce development or employe must file the ~~petition~~ notice under subd. 1. or 2. within 2 years after the date ~~that~~ on which the wages were due. The ~~petition~~ notice shall specify the nature of the claim and the amount claimed, describe the property upon which the claim is made and state that the ~~petitioner~~ person filing the notice claims a lien on that property. ~~The~~

(c) A lien ~~shall take~~ under par. (a) takes precedence over all other debts, judgments, decrees, liens or mortgages against the employer that originate after the lien takes effect as provided in par. (b) 1. or 2., except a lien under s. 292.31 (8) (i) or 292.81, and may be enforced in the manner provided in ss. 779.09 to 779.12, 779.20 and 779.21, insofar as ~~such~~ those provisions are applicable. The lien ceases to exist if the department of workforce development or the employe does not bring an action to enforce the lien within the period prescribed in s. 893.44 for the underlying wage claim.

SECTION 354t. 109.09 (2) (b) 2. of the statutes is created to read:

109.09 **(2)** (b) 2. A lien under par. (a) upon personal property takes effect when the department of workforce development or employe files a notice of the lien with the department of financial institutions, pays the fee specified in s. 409.403 (5) (b) to the department of financial institutions and serves a copy of the notice on the employer by personal service in the same manner as a summons is served under s. 801.11 or by certified mail with a return receipt requested. The department of financial institutions shall place the notice of the lien in the same file as financing statements are filed under ss. 409.401 and 409.402.

SECTION 354u. 109.12 (1) (a) of the statutes is amended to read:

109.12 **(1)** (a) Aid the administration of this chapter, including the enforcement of ~~s.~~ ss. 109.07 and 109.075 and criteria for exceptions under ~~s.~~ ss. 109.07 (5) and (6) and 109.075 (5) and (6).

SECTION 354v. 109.12 (1) (b) of the statutes is amended to read:

109.12 **(1)** (b) Establish the form and content of the record required under s. 109.07 (5) (b) and the record required under s. 109.075 (5) (b) and specify the documents that must contain notarized signatures.

SECTION 354w. 109.12 (2) of the statutes is amended to read:

109.12 **(2)** Not later than March 1 annually, ~~beginning with 1990,~~ submit a written report on its activities in the preceding calendar year related to the enforcement and administration of ~~s.~~ ss. 109.07 and 109.075 to the chief clerk of each house of the legislature for distribution under s. 13.172 (3) to the standing committees with jurisdiction over labor.

SECTION 354x. 109.12 (3) of the statutes is amended to read:

109.12 **(3)** Include, in the report required under sub. (2), the number, type and disposition of all determinations made by the department under ~~s.~~ ss. 109.07 (5) and (6) and 109.075 (5) and (6).

SECTION 354y. 111.322 (2m) (a) of the statutes is amended to read:

111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03 ~~or~~, 109.07 or 109.075 or ss. 101.58 to 101.599 or 103.64 to 103.82.

SECTION 354z. 111.322 (2m) (b) of the statutes is amended to read:

111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03 ~~or~~, 109.07 or 109.075 or ss. 101.58 to 101.599 or 103.64 to 103.82.

SECTION 355. 111.70 (1) (fm) of the statutes is created to read:

111.70 **(1)** (fm) "Fringe benefit savings" means the amount, if any, by which 1.7% of the total compensation and fringe benefit costs for all municipal employes in a collective bargaining unit for any 12−month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employes' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employes, as determined under sub. (4) (cm) 8s.

SECTION 356. 111.70 (1) (nc) 1. b. of the statutes is amended to read:

111.70 **(1)** (nc) 1. b. In any collective bargaining unit in which the municipal employe positions were on August 12, 1993, assigned to salary ranges with steps that determine the levels of progression within each salary range during a 12−month period, a proposal to provide for a salary increase of at least one full step for each 12−month period covered by the proposed collective bargaining agreement, beginning with the expiration date of any previous collective bargaining agreement, for each municipal employe who is eligible for a within range salary increase, unless the increased cost of providing such a salary increase, as determined under sub. (4) (cm) 8s., exceeds 2.1% of the total compensation and fringe benefit costs for all municipal employes in the collective

bargaining unit for any 12−month period covered by the proposed collective bargaining agreement plus any fringe benefit savings, or unless the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employes' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employes, as determined under sub. (4) (cm) 8s., in addition to the increased cost of providing such a salary increase, exceeds 3.8% of the total compensation and fringe benefit costs for all municipal employes in the collective bargaining unit for any 12−month period covered by the proposed collective bargaining agreement, in which case the offer shall include provision for a salary increase for each such municipal employe in an amount at least equivalent to that portion of a step for each such 12−month period that can be funded after the increased cost in excess of 2.1% of the total compensation and fringe benefit costs for all municipal employes in the collective bargaining unit plus any fringe benefit savings is subtracted, or in an amount equivalent to that portion of a step for each such 12−month period that can be funded from the amount that remains, if any, after the increased cost of such maintenance exceeding 1.7% of the total compensation and fringe benefit costs for all municipal employes in the collective bargaining unit for each 12−month period is subtracted on a prorated basis, whichever is the lower amount.

SECTION 357. 111.70 (1) (nc) 1. c. of the statutes is amended to read:

111.70 **(1)** (nc) 1. c. A proposal to provide for an average salary increase for each 12−month period covered by the proposed collective bargaining agreement, beginning with the expiration date of any previous collective bargaining agreement, for the municipal employes in the collective bargaining unit at least equivalent to an average cost of 2.1% of the total compensation and fringe benefit costs for all municipal employes in the collective bargaining unit for each 12−month period covered by the proposed collective bargaining agreement plus any fringe benefit savings, beginning with the expiration date of any previous collective bargaining agreement, including that percentage required to provide for any step increase and any increase due to a promotion or the attainment of increased professional qualifications, as determined under sub. (4) (cm) 8s., unless the increased cost of providing such a salary increase, as determined under sub. (4) (cm) 8s., exceeds 2.1% of the total compensation and fringe benefit costs for all municipal employes in the collective bargaining unit for any 12−month period covered by the proposed collective bargaining agreement plus any fringe benefit savings, or unless the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employes' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employes, as determined under sub. (4) (cm) 8s., in addition to the increased cost of providing such a salary increase, exceeds 3.8% of the total compensation and fringe benefit costs for all municipal employes in the collective bargaining unit for any 12−month period covered by the collective bargaining agreement, in which case the offer shall include provision for a salary increase for each such period for the municipal employes covered by the agreement at least equivalent to an average of that percentage, if any, for each such period of the prorated portion of 2.1% of the total compensation and fringe benefit costs for all municipal employes in the collective bargaining unit plus any fringe benefit savings that remains, if any, after the increased cost of such maintenance exceeding 1.7% of the total compensation and fringe benefit costs for all municipal employes in the collective bargaining unit for each 12−month period and the cost of a salary increase of at least one full step for each municipal employe in the collective bargaining unit who is eligible for a within range salary increase for each 12−month period is subtracted from that total cost.

SECTION 357d. 111.91 (2) (p) of the statutes is created to read:

111.91 **(2)** (p) The requirements related to coverage of drugs and devices under s. 632.853.

SECTION 357e. 111.91 (2) (q) of the statutes is created to read:

111.91 **(2)** (q) The requirements related to experimental treatment under s. 632.855.

SECTION 358. 115.31 (title) of the statutes is amended to read:

115.31 (title) **License or permit revocation; reports; investigation.**

SECTION 359. 115.31 (6m) of the statutes is created to read:

115.31 **(6m)** The department of public instruction shall, without a hearing, revoke a license or permit granted by the department of public instruction if the department of revenue certifies under s. 73.0301 that the licensee or permit holder is liable for delinquent taxes.

SECTION 360. 115.405 of the statutes is created to read:

115.405 Grant program for peer review and mentoring. (1) A cooperative educational service agency or a consortium consisting of 2 or more school districts or cooperative educational service agencies, or a combination thereof, may apply to the department for a grant to provide technical assistance and training for teachers who are licensed or have been issued a permit under ss. 115.28 (7) and 118.192 to implement peer review and mentoring programs. An applicant for a grant under this section shall submit to the department a plan identifying the school districts and cooperative educational service agencies that will participate in the peer review and mentoring program and describing how the grant funds will be allocated. As a condition of receiving a grant under

this section, a cooperative educational service agency or a consortium shall provide matching funds in an amount equal to at least 20% of the amount of the grant awarded. The matching funds may be in the form of money or in−kind services or both.

(2) The department shall award grants from the appropriation under s. 20.255 (2) (fk). The department may not award more than $25,000 to an applicant in a fiscal year.

(3) The department shall promulgate rules to implement and administer this section.

SECTION 361. 115.42 of the statutes is created to read:

Vetoed In Part

115.42 National teacher certification. (1) (a) Subject to par. (b), in the 1999−2000 school year the department shall award a $2,000 grant to any person who satisfies all of the following requirements:

1. The person is certified by the National Board for Professional Teaching Standards before July 1, 2000.

2. The person is licensed as a teacher by the state superintendent or employed as a teacher in a private school located in this state.

3. The person is a resident of this state.

4. The person is employed as a teacher in this state.

Vetoed In Part

(b) The department may award a grant under par. (a) to no more than 20 people.

Vetoed In Part

(2) In the 2000−01 school year and in each of the 7 succeeding school years, the department shall award a $2,500 grant to each person who received a grant under sub. (1) if the person satisfies all of the following requirements:

(a) The person maintains his or her certification by the National Board for Professional Teaching Standards.

(b) The person maintains his or her license as a teacher by the state superintendent or remains employed in a private school located in this state.

(c) The person remains a resident of this state.

(d) The person remains employed as a teacher in this state.

(3) The department may not require, as a condition for renewing a person's teaching license, that the person have earned continuing professional education credits or their equivalent in the 5 years immediately preceding his or her application for renewal if he or she has been initially certified by the National Board for Professional Teaching Standards during those 5 years.

(4) The department shall promulgate rules to implement and administer this section, including rules relating to all of the following:

(a) The application process, including necessary documentation.

(b) The selection process for grant recipients.

(c) The number of times that a teacher may be exempt from continuing professional education requirements under sub. (3).

SECTION 361g. 115.76 (10) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 384), is amended to read:

115.76 **(10)** "Local educational agency", except as otherwise provided, means the school district in which the child with a disability resides, ~~or~~ the department of health and family services if the child with a disability resides in an institution or facility operated by the department of health and family services, or the department of corrections if ~~such department is responsible for providing a free appropriate public education to~~ the child with a disability resides in a Type 1 secured correctional facility, as defined in s. 938.02 (19), or a Type 1 prison, as defined in s. 301.01 (5).

SECTION 361m. 115.81 (1) (b) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 384), is amended to read:

115.81 **(1)** (b) "~~Originating~~ Responsible local educational agency" means the local educational agency that was responsible for providing a free, appropriate public education to the child before the placement of the child in a child caring institution except that if the child resided in an institution or facility operated by the department of health and family services, a Type 1 secured correctional facility, as defined in s. 938.02 (19), or a Type 1 prison, as defined in s. 301.01 (5), before the placement of the child in a child caring institution, "responsible local educational agency" means the school district in which the child caring institution is located.

SECTION 361p. 115.81 (3) (a) and (b) (intro.) and 2. b. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 384), are amended to read:

115.81 **(3)** (a) Whenever a county department recommends to a court that a child be placed in a child caring institution or whenever a state agency anticipates placing a child in a child caring institution, the county department or state agency shall notify the ~~originating~~ responsible local educational agency.

(b) (intro.) For each child identified in a notice under par. (a), the ~~originating~~ responsible local educational agency shall do all of the following:

2. b. If the ~~originating~~ responsible local educational agency has reasonable cause to believe that the child is a child with a disability, appoint an individualized education program team to conduct an evaluation of the child under s. 115.782. The ~~originating~~ responsible local educational agency may include appropriately licensed staff of the child caring institution in the team if that staff is available. The individualized education program team shall conduct the evaluation. If the individualized education program team determines that the child is a child with a disability, the individualized education program team, in consultation with a county department or a state

agency, as appropriate, shall develop an individualized education program and an educational placement offer.

SECTION 361r. 115.81 (4) (intro.) and (a) (intro.) and 4. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 384), are amended to read:

115.81 **(4)** (intro.) Whenever the ~~originating~~ responsible local educational agency offers an educational placement in a child caring institution under sub. (3) (b) 1. or 2. b., all of the following apply:

(a) (intro.) The ~~originating~~ responsible local educational agency shall do all of the following:

4. While the child resides at a child caring institution, after consulting with the child caring institution and a county department or a state agency, as appropriate, refer the child to another local educational agency if the ~~originating~~ responsible local educational agency determines that the child's special education needs may be appropriately served in a less restrictive setting in the other local educational agency.

SECTION 361t. 115.81 (4) (b) 2. and 4. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 384), are amended to read:

115.81 **(4)** (b) 2. In cooperation with the ~~originating~~ responsible local educational agency and staff of the child caring institution, participate in the individualized education program team evaluation of the child and the development of the individualized education program for the child.

4. In cooperation with the ~~originating~~ responsible local educational agency and staff of the child caring institution, develop a reintegration plan for the child if the child is leaving the child caring institution.

SECTION 361tg. 116.01 of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

116.01 Purpose. The organization of school districts in Wisconsin is such that the legislature recognizes the need for a service unit between the school district and the state superintendent. The cooperative educational service agencies are designed to serve educational needs in all areas of Wisconsin by serving as a link both between school districts and between school districts and the state. Cooperative educational service agencies may provide leadership, coordination and education services to school districts, University of Wisconsin System institutions ~~and centers~~ and technical colleges. Cooperative educational service agencies may facilitate communication and cooperation among all public and private schools, agencies and organizations that provide services to pupils.

SECTION 361tr. 116.032 (1) of the statutes is amended to read:

116.032 **(1)** Subject to subs. (2) to (5), for the purpose of providing services to pupils a board of control may contract with school districts, University of Wisconsin System institutions ~~and centers~~, technical college district boards, private schools, and agencies or organizations that provide services to pupils.

SECTION 361u. 118.125 (4) of the statutes is amended to read:

118.125 **(4)** TRANSFER OF RECORDS. Within 5 working days, a school district shall transfer to another school or school district all pupil records relating to a specific pupil if the transferring school district has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility or a secured child caring institution, as defined in s. 938.02 (15g). In this subsection, "school" and "school district" include any ~~state~~ juvenile correctional facility ~~or~~, secured child caring institution ~~which~~ as defined in s. 938.02 (15g), adult correctional institution, mental health institute or center for the developmentally disabled, that provides an educational program for its residents instead of or in addition to that which is provided by public and private schools.

SECTION 362. 118.19 (1m) of the statutes is created to read:

118.19 **(1m)** (a) The department of public instruction may not issue or renew a license or permit or revalidate a license that has no expiration date unless the applicant provides the department of public instruction with his or her social security number. The department of public instruction may not disclose the social security number except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(b) The department of public instruction may not issue or renew a license or permit or revalidate a license that has no expiration date if the department of revenue certifies under s. 73.0301 that the applicant, licensee or permit holder is liable for delinquent taxes.

SECTION 362c. 118.192 (title) of the statutes is amended to read:

118.192 (title) **Professional teaching permits~~; mathematics and science~~ and licenses.** **Vetoed In Part**

SECTION 362g. 118.192 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.192 **(1)** The state superintendent shall establish an alternative teacher training program for music, art, foreign language, computer science, mathematics and science teachers. The program ~~shall be conducted during the summer and~~ shall consist of approximately 100 hours of formal instruction.

SECTION 362L. 118.192 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.192 **(2)** An individual who holds a bachelor's degree in engineering, music, art, foreign language, computer science, mathematics~~, biology, chemistry or phys-~~

~~ics~~ or science from an accredited institution of higher education, has at least 5 years of experience as ~~an engineer, mathematician or science~~ a professional in the subject area in which his or her degree was awarded and ~~passes the appropriate subject area portion of the national teacher's examination administered by the educational testing service, inc., in mathematics or science~~ demonstrates, to the satisfaction of the state superintendent, competency in that subject area that is current and compatible with modern curricula may apply to the state superintendent for enrollment in the alternative teacher training program. The state superintendent shall charge a fee sufficient to cover the costs of the program.

SECTION 362p. 118.192 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.192 **(3)** The state superintendent shall grant a professional teaching permit to any person who satisfactorily completes the program under sub. (2). The permit authorizes the person to teach ~~mathematics or science, as~~ the subject area specified by the state superintendent~~,~~ in grades kindergarten to 12. The initial permit shall be valid for 2 years~~, if~~. During the initial permit period, the person ~~is~~ shall be supervised by a person who holds a regular teaching license. The permit is renewable for 5−year periods. The state superintendent shall renew the permit or grant the permit holder a regular teaching license if the school board that employs the person certifies to the state superintendent that the person is a successful teacher.

Vetoed In Part

SECTION 362t. 118.192 (4) (intro.) and (b) of the statutes are consolidated, renumbered 118.192 (4) and amended to read:

118.192 **(4)** A school board that employs a person who holds a professional teaching permit shall ~~do all of the following: (b) Ensure~~ ensure that no regularly licensed teacher is removed from his or her position as a result of the employment of persons holding permits.

SECTION 362x. 118.192 (4) (a) of the statutes is repealed.

SECTION 363. 118.30 (1g) (c) of the statutes is created to read:

118.30 **(1g)** (c) Each school board operating elementary grades may develop or adopt its own examination designed to measure pupil attainment of knowledge and concepts in the 4th grade and may develop or adopt its own examination designed to measure pupil attainment of knowledge and concepts in the 8th grade. If the school board develops or adopts an examination under this paragraph, it shall notify the department.

SECTION 364. 118.30 (1m) (a) of the statutes is renumbered 118.30 (1m) (a) 1. and amended to read:

118.30 **(1m)** (a) 1. ~~Beginning in the 1996−97 school year~~ Except as provided in sub. (6), administer the 4th grade examination adopted or approved by the state superintendent under sub. (1) (a) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade. Beginning on July 1, 2002, if the school board has not developed and adopted its own 4th grade examination, the school board shall provide a pupil with at least 2 opportunities to achieve a score on the examination administered under this subdivision that is sufficient for promotion under sub. (5) (a) 1.

SECTION 365. 118.30 (1m) (a) 2. of the statutes is created to read:

118.30 **(1m)** (a) 2. Beginning on July 1, 2002, if the school board has developed or adopted its own 4th grade examination, administer that examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade. The school board shall provide a pupil with at least 2 opportunities to pass the examination administered under this subdivision.

SECTION 366. 118.30 (1m) (am) of the statutes is renumbered 118.30 (1m) (am) 1. and amended to read:

118.30 **(1m)** (am) 1. ~~Administer~~ Except as provided in sub. (6), administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) (a) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 8th grade. Beginning on July 1, 2002, if the school board has not developed and adopted its own 8th grade examination, the school board shall provide a pupil with at least 2 opportunities to achieve a score on the examination administered under this subdivision that is sufficient for promotion under sub. (5) (b) 1.

SECTION 367. 118.30 (1m) (am) 2. of the statutes is created to read:

118.30 **(1m)** (am) 2. Beginning on July 1, 2002, if the school board has developed or adopted its own 8th grade examination, administer that examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 8th grade. The school board shall provide a pupil with at least 2 opportunities to pass the examination administered under this subdivision.

SECTION 368. 118.30 (5) of the statutes is created to read:

118.30 **(5)** (a) Except as provided in par. (c), beginning on July 1, 2002, a school board may not promote a 4th grade pupil to the 5th grade unless one of the following applies:

1. If the school board does not administer its own 4th grade examination under sub. (1m) (a) 2., the pupil's score in each subject area on the examination administered under sub. (1m) (a) 1. is at the basic level or above, as determined by the state superintendent.

2. If the school board administers its own 4th grade examination under sub. (1m) (a) 2., the pupil achieves a passing score on that examination, as determined by the school board.

(b) Except as provided in par. (c), beginning on July 1, 2002, a school board may not promote an 8th

grade pupil to the 9th grade unless one of the following applies:

1. If the school board does not administer its own 8th grade examination under sub. (1m) (am) 2., the pupil's score in each subject area on the examination administered under sub. (1m) (am) 1. is at the basic level or above, as determined by the state superintendent.

2. If the school board administers its own 8th grade examination under sub. (1m) (am) 2., the pupil achieves a passing score on that examination, as determined by the school board.

(c) Each school board shall develop alternative criteria for evaluating a pupil who did not take the 4th grade or the 8th grade examination that was required for promotion as a result of sub. (2) (b). A school board may promote a pupil who did not take the examination that was required for promotion as a result of sub. (2) (b) if the pupil satisfies the alternative criteria.

SECTION 368c. 118.30 (6) of the statutes is created to read:

118.30 **(6)** A school board is not required to administer the 4th and 8th grade examinations adopted or approved by the state superintendent under sub. (1) (a) if the school board administers its own 4th and 8th grade examinations, the school board provides the state superintendent with statistical correlations of those examinations with the examinations adopted or approved by the state superintendent under sub. (1) (a), and the federal department of education approves.

SECTION 368d. 118.55 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.55 **(1)** DEFINITION. In this section, "institution of higher education" means ~~a center or~~ an institution within the university of Wisconsin system, a tribally controlled college or a private, nonprofit institution of higher education located in this state.

SECTION 368f. 118.55 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.55 **(5)** (a) If the pupil is attending ~~a center or~~ an institution within the university of Wisconsin system, the actual cost of tuition, fees, books and other necessary materials directly related to the course.

SECTION 368h. 120.115 (1) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 120.115 (1) (b).

SECTION 368j. 120.115 (1) (a) of the statutes is created to read:

120.115 **(1)** (a) Within 10 days after adopting a resolution that authorizes the school board to incur debt or that authorizes the common council of a 1st class city to incur debt on behalf of the school district operating under ch. 119, the school board shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department.

SECTION 368L. 120.12 (17) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

120.12 **(17)** UNIVERSITY OF WISCONSIN SYSTEM TUITION. Pay the tuition of any pupil enrolled in the school district and attending ~~a center or~~ an institution within the university of Wisconsin system if the pupil is not participating in the program under s. 118.55, the course the pupil is attending at the university is not offered in the school district and the pupil will receive high school credit for the course.

SECTION 368n. 120.13 (2) (g) of the statutes, as affected by 1997 Wisconsin Acts 155 and 191, is amended to read:

120.13 **(2)** (g) Every self−insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to (13), 632.896, 767.25 (4m) (d), 767.51 (3m) (d) and 767.62 (4) (b) 4.

SECTION 368p. 121.06 (4) of the statutes is created to read:

121.06 **(4)** For purposes of computing state aid under s. 121.08, equalized valuations calculated under sub. (1) and certified under sub. (2) shall include the full value of computers that are exempt under s. 70.11 (39) as determined under s. 79.095 (3).

SECTION 368v. 121.15 (1m) (a) 1. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

121.15 **(1m)** (a) 1. ~~The amount appropriated in the 1997−98 fiscal year under s. 20.255 (2) (q) shall be paid to school districts on the 3rd Monday in June, and the difference between~~ An amount equal to $75,000,000 ~~and the amount transferred to the property tax relief fund under 1997 Wisconsin Act 27, section 9256 (3x) (c) 2.,~~ shall be paid to school districts on the 4th Monday in July, 1998, from the appropriation under s. 20.255 (2) (ac).

SECTION 368w. 121.15 (1m) (a) 2. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

121.15 **(1m)** (a) 2. The amount appropriated in the 1998−99 fiscal year under s. 20.255 (2) (q) shall be paid to school districts on the 3rd Monday in June, and ~~the difference between $175,000,000 and the sum of the amounts transferred to the property tax relief fund under 1997 Wisconsin Act 27, section 9256 (3x) (c) 2., (d) 2. and (e) 2.,~~ $75,000,000 shall be paid to school districts on the 4th Monday in July, 1999, from the appropriation under s. 20.255 (2) (ac).

SECTION 368x. 121.15 (1m) (a) 3. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

121.15 **(1m)** (a) 3. Beginning in the 1999−2000 school year, annually the state shall pay to school districts, from the appropriation under s. 20.255 (2) (ac), ~~the difference between $175,000,000 and the sum of the amounts transferred to the property tax relief fund under 1997 Wisconsin Act 27, section 9256 (3x) (c) 2., (d) 2. and (e) 2.,~~ $75,000,000 on the 4th Monday in July of the following school year.

SECTION 368y. 121.15 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.15 **(3m)** (b) By ~~June 15, 1996~~ May 15, 1999, and annually by ~~June~~ May 15 thereafter, the department, the department of administration and the legislative fiscal bureau shall jointly certify to the joint committee on finance an estimate of the amount necessary to appropriate under s. 20.255 (2) (ac) in the following school year to ensure that the sum of state school aids and the school levy tax credit under s. 79.10 (4) equals two−thirds of partial school revenues.

SECTION 369. 121.15 (3m) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.15 **(3m)** (c) By June 30, ~~1998~~ 1999, and annually by June 30 thereafter, the joint committee on finance shall determine the amount appropriated under s. 20.255 (2) (ac) in the following school year.

SECTION 369g. 121.90 (2) of the statutes is amended to read:

121.90 **(2)** "State aid" means aid under ss. 121.08, 121.09, 121.10 and 121.105 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4), except that "state aid" excludes any additional aid that a school district receives as a result of ss. 121.07 (6) (e) and (7) (e) and 121.105 (3) for school district consolidations that are effective on or after July 1, 1995, as determined by the department. "State aid" also includes amounts under s. 79.095 for the current school year.

SECTION 369m. 121.91 (3) (a) of the statutes is amended to read:

121.91 **(3)** (a) If a school board wishes to exceed the limit under sub. ~~(1), (2) or~~ (2m) otherwise applicable to the school district in any school year, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify whether the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes, the amount of the proposed excess revenue for each purpose. Within 10 days after adopting the resolution, the school board shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department. The school board shall call a special referendum for the purpose of submitting the resolution to the electors of the school district for approval or rejection. In lieu of a special referendum, the school board may specify that the referendum be held at the next succeeding spring primary or election or September primary or general election, if such election is to be held not earlier than 35 days after the adoption of the resolution of the school board. The school district clerk shall certify the results of the referendum to the department within 10 days after the referendum is held.

SECTION 369r. 121.91 (3) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.91 **(3)** (c) The referendum shall be held in accordance with chs. 5 to 12.The school district clerk shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether the limit under sub. (1), (2) or (2m) may be exceeded by a specified amount. If the resolution provides that any of the excess revenue will be used for a nonrecurring purpose, the ballot in the election shall so state and shall specify the amount that will be used for a nonrecurring purpose. ~~The school district clerk shall promptly certify the results of the referendum to the state superintendent.~~ The limit otherwise applicable to the school district under sub. ~~(1), (2) or~~ (2m) is increased by the amount approved by a majority of those voting on the question.

SECTION 376m. 138.09 (1m) (b) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

138.09 **(1m)** (b) 1. An application under par. (a) for a license shall contain the following:

a. If the applicant is an individual, the applicant's social security number.

b. If the applicant is not an individual, the applicant's federal employer identification number.

2. The division may not disclose any information received under subd. 1. to any person except as follows:

a. The division may disclose information under subd. 1. to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

b. The division may disclose information under subd. 1. a. to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

SECTION 378m. 138.09 (3) (am) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

138.09 **(3)** (am) The division may not issue a license under this section to an applicant if any of the following applies:

1. The applicant fails to provide the information required under sub. (1m) (b).

2. The department of revenue certifies under s. 73.0301 that the applicant is liable for delinquent taxes.

3. The applicant fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings.

4. The applicant is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857.

SECTION 380. 138.09 (4) (c) of the statutes is created to read:

138.09 **(4)** (c) The division shall revoke a license under this section if the department of revenue certifies that the licensee is liable for delinquent taxes under s. 73.0301. A licensee whose license is revoked under this paragraph for delinquent taxes is entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to a hearing under par. (a).

SECTION 381m. 138.12 (3) (d) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

138.12 **(3)** (d) 1. An application for a license under this section shall contain the following:

a. If the applicant is an individual, the applicant's social security number.

b. If the applicant is not an individual, the applicant's federal employer identification number.

2. The division may not disclose any information received under subd. 1. to any person except as follows:

a. The division may disclose information under subd. 1. to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

b. The division may disclose information under subd. 1. a. to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

SECTION 382g. 138.12 (4) (a) of the statutes, as created in 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 138.12 (4) (a) (intro.) and amended to read:

138.12 **(4)** (a) (intro.) Upon the filing of an application and the payment of the required fees under par. (am) 1., the division shall make an investigation of each applicant and shall issue a license if the division finds the applicant is qualified in accordance with this section. If the division does not so find, the division shall, within 30 days after the division has received the application, notify the applicant and, at the request of the applicant, give the applicant a full hearing, except ~~that an~~ as follows:

2. An applicant whose application is denied under par. (b) 6. is entitled to notice and a hearing only as provided in a memorandum of understanding entered into under s. 49.857 and is not entitled to a hearing under this paragraph.

SECTION 382r. 138.12 (4) (a) 1. of the statutes is created to read:

138.12 **(4)** (a) 1. An applicant whose application is denied under par. (b) 5. is entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to a hearing under this paragraph.

SECTION 383m. 138.12 (4) (b) 5. of the statutes is created to read:

138.12 **(4)** (b) 5. Has not been certified by the department of revenue under s. 73.0301 as being liable for delinquent taxes.

SECTION 384m. 138.12 (5) (am) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

138.12 **(5)** (am) 1. The division shall deny an application for a license renewal if any of the following applies:

a. The applicant has failed to provide the information required under sub. (3) (d) 1.

b. The department of revenue has certified under s. 73.0301 that the applicant is liable for delinquent taxes under s. 73.0301. An applicant whose renewal application is denied under this subd. 1. b. is entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to a hearing under par. (b).

c. In the case of a licensee who is an individual, the applicant fails to provide his or her social security number, fails to comply, after appropriate notice, with a subpoena or warrant that is issued by the department of workforce development or a county child support agency under s. 59.53 (5) and that is related to paternity or child support proceedings or the applicant is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. An applicant whose renewal application is denied under this subd. 1. c. is entitled to a notice and hearing under s. 49.857 but is not entitled to a hearing under par. (b).

2. The division shall restrict or suspend the license of any insurance premium finance company if the division finds that, in the case of a licensee who is an individual, the licensee fails to comply, after appropriate notice, with a subpoena or warrant that is issued by the department of workforce development or a county child support agency under s. 59.53 (5) and that is related to paternity or child support proceedings or the licensee is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. A licensee whose license is restricted or suspended under this subdivision is entitled to a notice and hearing under s. 49.857 but is not entitled to a hearing under par. (b).

3. The division shall revoke the license of any insurance premium finance company if the department of revenue has certified under s. 73.0301 that the licensee is liable for delinquent taxes under s. 73.0301. A licensee whose license is revoked under this subdivision for delinquent taxes is entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to a hearing under par. (b).

SECTION 385. 139.03 (2x) (c) of the statutes is amended to read:

139.03 **(2x)** (c) *Administration.* Sections 71.74 (1), (2), (10), (11), (13) and (14), 71.75 (4) to (7), 71.80 (12), 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89,

71.90, 71.91 (1) (a) and (c) and (2) to ~~(8)~~ (7), 71.92, 73.01 ~~and~~, 73.015 and 73.0301 apply to the administration of this subsection for the assessment and collection of additional taxes when tax rate changes become effective.

SECTION 386. 139.03 (4) of the statutes is amended to read:

139.03 **(4)** Sections 71.74 (1), (2), (10), (11), (13) and (14), 71.75 (4) to (7), 71.80 (12), 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89, 71.90, 71.91 (1) (a) and (c) and (2) to ~~(8)~~ (7), 71.92, 73.01 ~~and~~, 73.015 and 73.0301 apply to the administration of this section for the assessment and collection of additional taxes when a tax rate change becomes effective.

SECTION 387. 139.315 (3) of the statutes is amended to read:

139.315 **(3)** ADMINISTRATION. Sections 71.74 (1), (2), (10), (11), (13) and (14), 71.75 (4) to (7), 71.80 (12), 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89, 71.90, 71.91 (1) (a) and (c) and (2) to ~~(8)~~ (7), 71.92, 73.01 ~~and~~, 73.015 and 73.0301 apply to this section.

SECTION 388. 139.39 (6) of the statutes is amended to read:

139.39 **(6)** Sections 71.74 (1), (2), (10), (11) and (14), 71.77, 71.80 (12), 71.91 (1) (a) and (c) and (2) to ~~(8) and~~ (7), 71.92 and 73.0301 as they apply to the taxes under ch. 71 apply to the taxes under this subchapter. Section 71.74 (13) as it applies to the collection of the taxes under ch. 71 applies to the collection of the taxes under this subchapter, except that the period during which notice of an additional assessment shall be given begins on the due date of the report under this subchapter.

SECTION 389. 146.40 (3) of the statutes is amended to read:

146.40 **(3)** ~~The~~ Except as provided in sub. (4d), the department shall certify instructional and competency evaluation programs for nurse's assistants, for home health aides and for hospice aides that apply for certification and satisfy standards for certification promulgated by rule by the department. The department shall review the curriculum of each certified instructional and competency evaluation program at least once every 36 months following the date of certification to determine whether the program satisfies the standards for certification. ~~The~~ Under this subsection, the department may, after providing notice, suspend or revoke the certification of an instructional and competency evaluation program or impose a plan of correction on the program if the program does not satisfy the standards for certification or operates under conditions that are other than those contained in the application approved by the department.

SECTION 390. 146.40 (3m) of the statutes is amended to read:

146.40 **(3m)** The department shall review competency evaluation programs for nurse's assistants, for home health aides and for hospice aides and, except as provided in sub. (4d), may approve those competency evaluation programs that satisfy standards for approval that are specified in rules of the department. ~~The~~ Under this subsection, the department may, after providing notice, suspend or revoke approval of a competency evaluation program or impose a plan of correction if the competency evaluation program fails to satisfy the standards or operates under conditions that are other than those contained in the application approved by the department.

SECTION 391. 146.40 (4d) of the statutes is created to read:

146.40 **(4d)** (a) The department shall require each applicant to provide the department with his or her social security number, if the applicant is an individual, or the applicant's federal employer identification number, if the applicant is not an individual, as a condition of issuing a certification under sub. (3) or an approval under sub. (3m).

(b) The department may not disclose any information received under par. (a) to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(c) The department shall deny an application for the issuance of a certification or approval specified in par. (a) if the applicant does not provide the information specified in par. (a).

(d) The department shall deny an application for the issuance of a certification or approval specified in par. (a) or shall revoke a certification or approval if the department of revenue certifies under s. 73.0301 that the applicant for or holder of a certification or approval is liable for delinquent taxes.

(e) An action taken under par. (c) or (d) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

SECTION 392. 146.40 (4m) of the statutes is amended to read:

146.40 **(4m)** An instructional and competency evaluation program under sub. (3) for which the department has suspended or revoked certification or imposed a plan of correction or a competency evaluation program under sub. (3m) for which the department has suspended or revoked approval or imposed a plan of correction may contest the department's action by sending, within 10 days after receipt of notice of the contested action, a written request for hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1). The administrator of the division may designate a hearing examiner to preside over the case and recommend a decision to the administrator under s. 227.46. The decision of the administrator of the division shall be the final administrative decision. The division shall commence the hearing within 30 days after receipt of the request for hearing and shall issue a final decision within 15 days after the close of the hearing. Proceedings before the division are governed by ch. 227. In any petition for judicial review of a decision by the division, the party, other than the petitioner, who was in the proceeding before the division shall be

the named respondent. This subsection does not apply to a revocation of certification under sub. (4d) (d).

SECTION 393. 146.40 (4r) (am) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

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

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

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

SECTION 393d. 146.50 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(5)** (a) Except as provided in ~~s.~~ ss. 146.51 and 146.52, the department shall license qualified applicants as ambulance service providers or emergency medical technicians. The department shall, from the information on the certification form specified under sub. (6) (c) 2., establish in each ambulance service provider's biennial license the primary service or contract area of the ambulance service provider.

SECTION 393e. 146.50 (5) (b) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(5)** (b) The department shall promulgate rules establishing a system and qualifications for issuance of training permits, except as provided in ~~s.~~ ss. 146.51 and 146.52, and specifying the period for which an individual may hold a training permit.

SECTION 393f. 146.50 (5) (g) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(5)** (g) Except as provided in ~~s.~~ ss. 146.51 and 146.52, an emergency medical technician license shall be issued to the individual licensed, and the department may not impose a requirement that an individual be affiliated with an ambulance service provider in order to receive an emergency medical technician license or to have an emergency medical technician license renewed.

SECTION 393g. 146.50 (6) (a) (intro.) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(6)** (a) (intro.) Except as provided in ~~s.~~ ss. 146.51 and 146.52, to be eligible for an initial license as an emergency medical technician, an individual shall:

SECTION 393h. 146.50 (6) (b) 1. of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(6)** (b) 1. Except as provided in ~~s.~~ ss. 146.51 and 146.52, to be eligible for a renewal of a license as an emergency medical technician, the licensee shall, in addition to meeting the requirements of par. (a) 1., complete the training, education or examination requirements specified in rules promulgated under subd. 2.

SECTION 393i. 146.50 (6) (c) (intro.) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(6)** (c) (intro.) Except as provided in ~~s.~~ ss. 146.51 and 146.52, to be eligible for a license as an ambulance service provider, an individual shall be 18 years of age or older and have such additional qualifications as may be established in rules promulgated by the department, except that no ambulance service provider may be required to take training or an examination or receive education to qualify for licensure or for renewal of licensure. An ambulance service provider shall, as a condition of licensure, provide medical malpractice insurance sufficient to protect all emergency medical technicians who perform for compensation as employes of the ambulance service provider. For renewal of a biennial license as an ambulance service provider, an applicant shall also provide all of the following:

SECTION 393j. 146.50 (6g) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(6g)** (a) Except as provided in ~~s.~~ ss. 146.51 and 146.52, the department shall certify qualified applicants for the performance of defibrillation, under certification standards that the department shall promulgate as rules.

SECTION 393k. 146.50 (7) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(7)** LICENSING IN OTHER JURISDICTIONS. Except as provided in ~~s.~~ ss. 146.51 and 146.52, the department may issue a license as an emergency medical technician, without examination, to any individual who holds a current license or certificate as an emergency medical technician from another jurisdiction if the department finds that the standards for licensing or issuing certificates in the other jurisdiction are at least substantially equivalent to those in this state, and that the applicant is otherwise qualified.

SECTION 393L. 146.50 (8) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(8)** (a) Except as provided in ~~s.~~ ss. 146.51 and 146.52, the department shall certify qualified applicants as first responders — defibrillation.

SECTION 393m. 146.50 (8) (b) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(8)** (b) To be eligible for initial certification as a first responder — defibrillation, except as provided in ~~s.~~ ss. 146.51 and 146.52, an individual shall meet requirements specified in rules promulgated by the department.

SECTION 393n. 146.50 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(8)** (c) To be eligible for a renewal of a certificate as a first responder — defibrillation, except as provided in ~~s.~~ ss. 146.51 and 146.52, the holder of the certificate shall satisfactorily complete any requirements specified in rules promulgated by the department.

SECTION 393p. 146.50 (8) (f) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

146.50 **(8)** (f) Except as provided in ~~s.~~ ss. 146.51 and 146.52, the department may issue a certificate as a first responder — defibrillation, without requiring satisfactory completion of any instruction or training that may be required under par. (b), to any individual who holds a current license or certificate as a first responder from another jurisdiction if the department finds that the standards for licensing or issuing certificates in the other jurisdiction are at least substantially equivalent to the standards for issuance of certificates for first responders — defibrillation in this state, and that the applicant is otherwise qualified.

SECTION 393q. 146.52 of the statutes is created to read:

146.52 Denial, nonrenewal and revocation of license, certification or permit based on tax delinquency. (1) The department shall require each applicant to provide the department with his or her social security number, if the applicant is an individual, or the applicant's federal employer identification number, if the applicant is not an individual, as a condition of issuing or renewing any of the following:

(a) A license under s. 146.50 (5) (a) or (7).

(b) A training permit under s. 146.50 (5) (b).

(c) A certificate under s. 146.50 (6g) (a) or (8) (a) or (f).

(2) The department may not disclose any information received under sub. (1) to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(3) The department shall deny an application for the issuance or renewal of a license, certificate or permit specified in sub. (1) if the applicant does not provide the information specified in sub. (1).

(4) The department shall deny an application for the issuance or renewal of a license, certificate or permit specified in sub. (1) or shall revoke a license, certificate or permit specified in sub. (1), if the department of revenue certifies under s. 73.0301 that the applicant for or holder of the license, certificate or permit is liable for delinquent taxes.

(5) An action taken under sub. (3) or (4) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

SECTION 393rb. 149.115 of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

149.115 Rules relating to creditable coverage. The commissioner, in consultation with the department, shall promulgate rules that specify how creditable coverage is to be aggregated for purposes of ~~s.~~ ss. 149.10 (2t) (a) and 149.14 (6) (b) 1. a. and that determine the creditable coverage to which ~~s.~~ ss. 149.10 (2t) (b) and (d) ~~applies~~ and 149.14 (6) (b) 1. b. and d. apply. The rules shall comply with section 2701 (c) of P.L. 104−191.

SECTION 393re. 149.14 (6) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 149.14 (6) (b) 2. and amended to read:

149.14 **(6)** (b) 2. An eligible individual who obtains coverage under the plan on or after ~~October 14, 1997~~ the effective date of this subdivision .... [revisor inserts date], may not be subject to any preexisting condition exclusion under the plan. An eligible individual who is covered under the plan on ~~October 14, 1997~~ the effective date of this subdivision .... [revisor inserts date], may not be subject to any preexisting condition exclusion on or after ~~October 14, 1997~~ the effective date of this subdivision .... [revisor inserts date].

SECTION 393rg. 149.14 (6) (b) 1. of the statutes is created to read:

149.14 **(6)** (b) 1. In this paragraph, "eligible individual" means an individual for whom all of the following apply:

a. The aggregate of the individual's periods of creditable coverage is 18 months or more.

b. The individual's most recent period of creditable coverage was under a group health plan, governmental plan, federal governmental plan or church plan, or under any health insurance offered in connection with any of those plans.

c. The individual does not have health insurance and is not eligible for coverage under a group health plan or a state plan under title XIX of the federal Social Security Act or any successor program.

d. The individual's most recent period of creditable coverage was not terminated for any reason related to fraud or intentional misrepresentation of material fact or a failure to pay premiums.

e. If the individual was offered the option of continuation coverage under a federal continuation provision or similar state program, the individual elected the continuation coverage.

f. The individual has exhausted any continuation coverage under subd. 1. e.

SECTION 393rj. 149.146 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 149.146 (1) (b) 2.

SECTION 393rm. 149.146 (1) (b) 1. of the statutes is created to read:

149.146 **(1)** (b) 1. In this paragraph, "eligible individual" has the meaning given in s. 149.14 (6) (b) 1.

SECTION 393rp. 150.31 (2r) of the statutes is created to read:

150.31 **(2r)** (a) The department may, on July 1, 1998, increase the statewide bed limit in sub. (1) by not more

than 6 beds to permit the permanent and complete closure of a hospital and its partial conversion to a nursing home if the hospital seeking partial conversion:

1. Had, on January 1, 1998, an approved bed capacity of not more than 50 beds.

2. Is located north of USH 8.

3. Ceases to exist as an acute care hospital by July 1, 1998.

(b) The department shall decrease the number of beds authorized for increase under par. (a) by the amount of any addition in the actual number of available beds within the limit specified in sub. (1), up to 6 beds, that exists on July 1, 1998.

(c) The application to the department governing the permanent and complete closure of a hospital and partial conversion to a nursing home under par. (a) is exempt from the procedural requirements of this chapter.

SECTION 393sb. 153.07 (5) of the statutes, as created by 1997 Wisconsin Act 231, is repealed.

SECTION 393se. 153.60 (1) of the statutes, as affected by 1997 Wisconsin Act acts 27 and 231, is amended to read:

153.60 **(1)** The department shall, by the first October 1 after the commencement of each fiscal year, estimate the total amount of expenditures under this chapter for the department and the board for that fiscal year for data collection, data base development and maintenance, generation of data files and standard reports, orientation and training provided under s. 153.05 (9) and maintaining the board. The department shall assess the estimated total amount for that fiscal year less the estimated total amount to be received for purposes of administration of this chapter under s. 20.435 (1) (hi) during the fiscal year ~~and~~, the unencumbered balance of the amount received for purposes of administration of this chapter under s. 20.435 (1) (hi) from the prior fiscal year and the amount in the appropriation account under s. 20.435 (1) (dg) for the fiscal year, to ~~health care providers who are in a class of health care providers from whom the department collects data under this chapter in a manner specified by the department by rule. The department shall obtain approval from the board for the amounts of assessments for health care providers other than hospitals and ambulatory surgery centers. The department shall work together with the department of regulation and licensing to develop a mechanism for collecting assessments from health care providers other than hospitals and ambulatory surgery centers. No health care provider that is not a facility may be assessed under this subsection an amount that exceeds $75 per fiscal year~~ hospitals in proportion to each hospital's respective gross private pay patient revenues during the hospital's most recently concluded entire fiscal year and to ambulatory surgery centers. Each hospital shall pay the assessment on or before December 1. All payments of assessments shall be deposited in the appropriation under s. 20.435 (1) (hg).

Vetoed In Part

SECTION 393sh. 153.60 (1) of the statutes, as affected by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

Vetoed In Part

153.60 **(1)** The department shall, by the first October 1 after the commencement of each fiscal year, estimate the total amount of expenditures under this chapter for the department and the board for that fiscal year for data collection, data base development and maintenance, generation of data files and standard reports, orientation and training provided under s. 153.05 (9) and maintaining the board. The department shall assess the estimated total amount for that fiscal year, less the estimated total amount to be received for purposes of administration of this chapter under s. 20.435 (1) (hi) during the fiscal year and the unencumbered balance of the amount received for purposes of administration of this chapter under s. 20.435 (1) (hi) from the prior fiscal year, to hospitals in proportion to each hospital's respective gross private–pay patient revenues during the hospital's most recently concluded entire fiscal year and to ambulatory surgery centers. Each hospital shall pay the assessment on or before December 1. All payments of assessments shall be deposited in the appropriation under s. 20.435 (1) (hg).

SECTION 393sk. 153.75 (1) (k) of the statutes, as affected by 1997 Wisconsin Act 231, is amended to read:

153.75 **(1)** (k) Establishing methods and criteria for assessing ~~health care providers~~ hospitals and ambulatory surgery centers under s. 153.60 (1).

SECTION 393sm. 166.03 (1) (b) 7. of the statutes is created to read:

166.03 **(1)** (b) 7. Enter into a contract with the sheriff of a county having a population of 500,000 or more for helicopter support services under sub. (2) (b) 9.

SECTION 393t. 166.03 (2) (b) 9. of the statutes is created to read:

166.03 **(2)** (b) 9. Make payments from the appropriation under s. 20.465 (3) (c) to a sheriff of a county having a population of 500,000 or more for the provision of helicopter support services for boating safety, disaster assistance, drug interdiction assistance, fire fighting assistance, law enforcement assistance, search and rescue operations and traffic control operations to public safety agencies, as defined in s. 146.70 (1) (g), under a contract entered into by the governor under sub. (1) (b) 7.

SECTION 393tg. 170.12 (3) (em) of the statutes, as created by 1997 Wisconsin Act 191, is repealed and recreated to read:

170.12 **(3)** (em) Include the information required under sub. (3m).

SECTION 393tm. 170.12 (3m) of the statutes is created to read:

170.12 **(3m)** SOCIAL SECURITY AND FEDERAL EMPLOYER IDENTIFICATION NUMBERS. (a) In addition to the information required under sub. (3), the application under sub. (3) shall include all of the following:

1. If the applicant is an individual, the applicant's social security number.

2. If the applicant is not an individual, the applicant's federal employer identification number.

(b) The board may not disclose any information received under par. (a) to any person except as follows:

1. The board may disclose information under par. (a) to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

2. The board may disclose information under par. (a) to the department of workforce development in accordance with a memorandum of understanding under s. 49.857.

SECTION 393tr. 170.12 (8) (title) of the statutes is amended to read:

170.12 **(8)** (title) DENIAL OF APPLICATION; RESTRICTION, SUSPENSION AND REVOCATION OF PERMITS.

SECTION 393tv. 170.12 (8) (b) of the statutes, as created by 1997 Wisconsin Act 191, is repealed and recreated to read:

170.12 **(8)** (b) 1. The board shall deny an application for a permit renewal if any of the following applies:

a. The applicant has failed to provide the information required under sub. (3m) (a).

b. The department of revenue has certified under s. 73.0301 that the applicant is liable for delinquent taxes under s. 73.0301. An applicant whose renewal application is denied under this subd. 1. b. is entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to any other hearing under this section.

c. In the case of a permit holder who is an individual, the applicant fails to provide his or her social security number, fails to comply, after appropriate notice, with a subpoena or warrant that is issued by the department of workforce development or a county child support agency under s. 59.53 (5) and that is related to paternity or child support proceedings or the applicant is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. An applicant whose renewal application is denied under this subd. 1. c. is entitled to a notice and hearing under s. 49.857 but is not entitled to any other hearing under this section.

2. The board shall restrict or suspend a permit issued under this section if the board finds that, in the case of a permit holder who is an individual, the permit holder fails to comply, after appropriate notice, with a subpoena or warrant that is issued by the department of workforce development or a county child support agency under s. 59.53 (5) and that is related to paternity or child support proceedings or the permit holder is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. A permit holder whose permit is restricted or suspended under this subdivision is entitled to a notice and hearing under s. 49.857 but is not entitled to any other hearing under this section.

3. The board shall revoke a permit issued under this section if the department of revenue has certified under s. 73.0301 that the permit holder is liable for delinquent taxes under s. 73.0301. A permit holder whose permit is revoked under this subdivision for delinquent taxes is entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to any other hearing under this section.

SECTION 393ug. 185.981 (4t) of the statutes, as affected by 1997 Wisconsin Act 155, is amended to read:

185.981 **(4t)** A sickness care plan operated by a cooperative association is subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4) and (5), 632.895 (10) to (13) and 632.897 (10) and chs. 149 and 155.

SECTION 393ur. 185.983 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 155, is amended to read:

185.983 **(1)** (intro.) Every such voluntary nonprofit sickness care plan shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4) and (5), 632.895 (5) and (9) to (13), 632.896 and 632.897 (10) and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

SECTION 393vb. 196.218 (1) (bm) of the statutes is created to read:

196.218 **(1)** (bm) "Local exchange service" means basic local exchange service or business access line and usage service.

SECTION 393vd. 196.218 (3) (a) 4. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

196.218 **(3)** (a) 4. In calculating contribution amounts that must be paid into the universal service fund by telecommunications utilities that provide ~~basic~~ local exchange service, the commission shall determine the portion of the contributions that are used for the purposes specified in sub. (5) (a) 5. ~~and 6.~~ to 7.

SECTION 393vf. 196.218 (3) (f) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

196.218 **(3)** (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5) and (6), 196.213 and 196.215, a telecommunications utility that provides ~~basic~~ local exchange service may make adjustments to ~~basic~~ local exchange service rates for the purpose of recovering the portion of its contributions to the universal service fund that is determined by the commission under par. (a) 4.

SECTION 393vh. 196.218 (4r) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

196.218 **(4r)** (b) The commission, in consultation with the department and the board, shall promulgate rules establishing an educational telecommunications access program to provide school districts, private schools, cooperative educational service agencies, technical college districts, private colleges and public library boards with access to data lines and video links.

SECTION 393vj. 196.218 (4r) (c) 1., 2., 3. and 4. of the statutes, as created by 1997 Wisconsin Act 27, are amended to read:

196.218 **(4r)** (c) 1. Allow a school district, private school, cooperative educational service agency, technical college district, private college and public library board to make a request to the board for access to either one data line or one video link, except that if a school district operates more than one high school the rules shall allow the school district to request access to both a data line and a video link and to request access to more than one data line or video link. The board shall forward requests received under this subdivision to the commission and the department.

2. Establish eligibility requirements for a school district, private school, cooperative educational service agency, technical college district, private college and public library board to participate in the program established under par. (b). The requirements shall prohibit a participant in the program from receiving assistance from the universal service fund for the purpose specified in sub. (5) (a) 3. for educational telecommunications access that is substantially similar to the access provided to the participant under the program.

3. Establish specifications for a data line or video link that is provided to a school district, private school, cooperative educational service agency, technical college district, private college and public library board under the program established under par. (b).

4. Require a school district, private school, cooperative educational service agency, technical college district, private college and public library board to pay the department not more than $250 per month for each data line or video link that is provided to the school district, private school, cooperative educational service agency, technical college district, private college and public library board under the program established under par. (b), except that the charge may not exceed $100 per month for each data line or video link that relies on a transport medium that operates at a speed of 1.544 megabits per second.

SECTION 393vk. 196.218 (4r) (e) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

196.218 **(4r)** (e) If the federal communications commission promulgates or modifies rules that provide rate discounts for telecommunications services to school districts, private schools, cooperative educational service agencies, technical college districts, private colleges or public library boards under 47 USC 254, the governor shall submit a report to the joint committee on finance that includes any recommended changes to statutes or rules with respect to funding the program established under par. (b).

SECTION 394. 196.218 (4r) (g) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

196.218 **(4r)** (g) From the appropriation under s. 20.275 (1) (s) or (tm), the board may award an annual grant to a school district or private school that had in effect on October 14, 1997, a contract for access to a data line or video link, as documented by the commission. The board shall determine the amount of the grant, which shall be equal to the cost incurred by the state to provide telecommunications access to a school district or private school under a contract entered into under s. 16.974 (7) (a) or (c) less the amount that the school district or private school would be paying under par. (c) 4. if the school district or private school were participating in the program established under par. (b), except that the amount may not be greater than the cost that a school district or private school incurs under the contract in effect on October 14, 1997. A school district or private school receiving a grant under this paragraph is not eligible to participate in the program under par. (b). No grant may be awarded under this paragraph after June 30, 2002.

SECTION 394m. 196.218 (5) (a) 7. of the statutes, as created by 1997 Wisconsin Act 41, is amended to read:

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

SECTION 395. 217.05 (intro.) of the statutes is renumbered 217.05 (1) (intro.).

SECTION 396. 217.05 (1) to (4) of the statutes are renumbered 217.05 (1) (a) to (d).

SECTION 397m. 217.05 (1m) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

217.05 **(1m)** (a) In addition to the information required under sub. (1), the application shall contain the following:

1. If the applicant is an individual, the applicant's social security number.

2. If the applicant is not an individual, the applicant's federal employer identification number.

(b) The division may not disclose any information received under par. (a) to any person except as follows:

1. The division may disclose information under par. (a) to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

2. The division may disclose information under par. (a) 1. to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

SECTION 398m. 217.06 (5) of the statutes is created to read:

217.06 **(5)** The applicant has not been certified under s. 73.0301 by the department of revenue to be liable for delinquent taxes.

SECTION 399. 217.09 (1r) of the statutes is created to read:

217.09 **(1r)** The division shall revoke any license issued under this chapter if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is revoked under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this chapter.

SECTION 400. 217.09 (4) of the statutes is amended to read:

217.09 **(4)** The division shall revoke or suspend only the authorization to operate at the location with respect to which grounds for revocation or suspension apply, but if the division finds that such grounds for revocation or suspension apply to more than one location operated by such licensee, then the division shall revoke or suspend all of the authorizations of the licensee to which such grounds apply. Suspensions under sub. (1m) and revocations under sub. (1r) shall suspend or revoke the authorization to operate at all locations operated by the licensee.

SECTION 401. 217.09 (6) of the statutes is amended to read:

217.09 **(6)** ~~The~~ Except for a license revoked under sub. (1r), the division may on its own motion issue a new license when a license has been revoked.

SECTION 401m. 218.01 (2) (ie) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.01 **(2)** (ie) 1. In addition to any other information required under this subsection, an application by an individual for the issuance or renewal of a license described in par. (d) shall include the individual's social security number and an application by a person who is not an individual for the issuance or renewal of a license described in par. (d) 1., 2., 3. or 5. shall include the person's federal employer identification number. The licensor may not disclose any information received under this subdivision to any person except the department of industry, labor and job development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

2. The licensor shall deny an application for the issuance or renewal of a license if the information required under subd. 1. is not included in the application.

SECTION 402g. 218.01 (2) (ig) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.01 **(2)** (ig) 1. In addition to any other information required under this subsection, an application for a license described in par. (dr) shall include the following:

a. In the case of an individual, the individual's social security number.

b. In the case of a person that is not an individual, the person's federal employer identification number.

2. The licensor may not disclose any information received under subd. 1. to any person except as follows:

a. The licensor may disclose information under subd. 1. to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

b. The licensor may disclose information under subd. 1. a. to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

SECTION 402r. 218.01 (3) (ag) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.01 **(3)** (ag) 1. A license described in sub. (2) (d) shall be denied, restricted, limited or suspended if the applicant or licensee is an individual who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857.

2. A license described in par. (d) 1., 2., 3. or 5. shall be suspended or revoked if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes.

3. No provision of this section that entitles an applicant or licensee to a notice or hearing applies to a denial, restriction, limitation, suspension or revocation of a license under this paragraph.

SECTION 403m. 218.01 (3) (am) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.01 **(3)** (am) 1. A license described in sub. (2) (dr) shall be denied if any of the follow applies:

a. The applicant fails to provide the information required under sub. (2) (ig) 1.

b. The department of revenue certifies under s. 73.0301 that the applicant is liable for delinquent taxes. An applicant whose license is denied under this subd. 1. b. for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subsection.

c. The applicant is an individual who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or who is

delinquent in making court–ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. An applicant whose application is denied under this subd. 1. c. is entitled to a notice and hearing under s. 49.857 but is not entitled to any other notice or hearing under this section.

2. A license described in sub. (2) (dr) shall be restricted or suspended if the licensee is an individual who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent in making court–ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. A licensee whose license is restricted or suspended under this subdivision is entitled to a notice and hearing under s. 49.857 but is not entitled to any other notice or hearing under this section.

3. A license described in sub. (2) (dr) shall be revoked if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is revoked under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subsection.

SECTION 404g. 218.02 (2) (a) 1. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 218.02 (2) (a) 1. (intro.) and amended to read:

218.02 **(2)** (a) 1. (intro.) Each adjustment service company shall apply to the division for a license to engage in such business. Application for a separate license for each office of a company to be operated under this section shall be made to the division in writing, under oath, in a form to be prescribed by the division. The division may issue more than one license to the same licensee. ~~If the applicant for a license under this section is an individual, the application shall include the applicant's social security number.~~ An application for a license under this section shall include the following:

SECTION 404r. 218.02 (2) (a) 1. a. and b. of the statutes are created to read:

218.02 **(2)** (a) 1. a. In the case of an individual, the individual's social security number.

b. In the case of a person that is not an individual, the person's federal employer identification number.

SECTION 405m. 218.02 (2) (a) 2. of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.02 **(2)** (a) 2. The division may not disclose any information received under subd. 1. to any person except as follows:

a. The division may disclose information under subd. 1. to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

b. The division may disclose information under subd. 1. a. to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

SECTION 406. 218.02 (3) (d) of the statutes is created to read:

218.02 **(3)** (d) That the applicant has not been certified under s. 73.0301 by the department of revenue as being liable for delinquent taxes.

SECTION 408. 218.02 (6) (c) of the statutes is created to read:

218.02 **(6)** (c) In accordance with s. 73.0301, the division shall revoke a license if the department of revenue has certified under s. 73.0301 that the licensee is liable for delinquent taxes.

SECTION 409g. 218.02 (9) (a) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 218.02 (9) (a) (intro.) and amended to read:

218.02 **(9)** (a) (intro.) The division may make such rules and require such reports as the division deems necessary for the enforcement of this section. Sections 217.17, 217.18 and 217.21 (1) and (2) apply to and are available for the purposes of this section. This paragraph does not apply to ~~applications~~ any of the following:

2. Applications for licenses that are denied or licenses that are restricted or suspended because the applicant or licensee has failed to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or is delinquent in making court–ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse.

SECTION 409r. 218.02 (9) (a) 1. of the statutes is created to read:

218.02 **(9)** (a) 1. Applications for licenses that are denied, or licenses that are revoked, because the department of revenue has certified under s. 73.0301 that the applicant or licensee is liable for delinquent taxes.

SECTION 410m. 218.04 (3) (a) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.04 **(3)** (a) 1. Application for licenses under the provisions of this section shall be made to the division in writing, under oath, on a form to be prescribed by the division. All licenses shall expire on June 30 next following their date of issue. An application for a license under this section shall include the following:

a. If the applicant is an individual, the applicant's social security number.

b. If the applicant is not an individual, the applicant's federal employer identification number.

2. The division may not disclose any information received under subd. 1. to any person except as follows:

a. The division may disclose information under subd. 1. to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

b. The division may disclose information under subd. 1. a. to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

SECTION 413m. 218.04 (4) (am) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.04 **(4)** (am) The division may not issue or renew a license under this section if any of the following applies:

1. The applicant fails to provide the information required under sub. (3) (a) 1.

2. The department of revenue certifies under s. 73.0301 that the applicant is liable for delinquent taxes. An applicant for whom a license is not issued or renewed under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

3. The applicant fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. An applicant whose application is denied under this subdivision for delinquent payments is entitled to a notice and hearing under s. 49.857 but is not entitled to any other notice or hearing under this section.

SECTION 414. 218.04 (5) (ar) of the statutes is created to read:

218.04 **(5)** (ar) The division shall revoke a license issued under this section if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is revoked under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 415. 218.04 (5) (b) of the statutes is amended to read:

218.04 **(5)** (b) ~~No~~ Except as provided in pars. (am) and (ar), no license shall be revoked or suspended except after a hearing under this section. A complaint stating the grounds for suspension or revocation together with a notice of hearing shall be delivered to the licensee at least 5 days in advance of the hearing. In the event the licensee cannot be found, complaint and notice of hearing may be left at the place of business stated in the license and this shall be deemed the equivalent of delivering the notice of hearing and complaint to the licensee.

SECTION 416m. 218.05 (3) (am) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.05 **(3)** (am) 1. In addition to the information required under par. (a), an application for a license under this section shall include the following:

a. If the applicant is an individual, the applicant's social security number.

b. If the applicant is not an individual, the applicant's federal employer identification number.

2. The division may not disclose any information received under subd. 1. to any person except as follows:

a. The division may disclose information under subd. 1. to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

b. The division may disclose information under subd. 1. a. to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

SECTION 417m. 218.05 (4) (c) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.05 **(4)** (c) In addition to the grounds for denial of a license under par. (a), the division shall deny an application for a license under this section if any of the following applies:

1. The applicant fails to provide the information required under sub. (3) (am) 1.

2. The department of revenue certifies under s. 73.0301 that the applicant is liable for delinquent taxes. An applicant whose application is denied under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

3. The applicant is an individual who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. An applicant whose application is denied under this subdivision for delinquent payments is entitled to a notice and hearing under s. 49.857 but is not entitled to any notice or hearing under par. (b).

SECTION 418m. 218.05 (11) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.05 **(11)** RENEWAL. Every licensee shall, on or before December 20, pay to the division the sum of $300 as an annual license fee for the next succeeding calendar year and, at the same time, shall file with the division the annual bond and insurance policy or policies in the same amount and of the same character as required by subs. (3) (c) and (6). The division may not renew a license under this section if any of the following applies:

(a) The renewal applicant fails to provide the information required under sub. (3) (am) 1.

(b) The department of revenue certifies under s. 73.0301 that the renewal applicant is liable for delinquent taxes. An applicant whose application is not renewed under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

(c) The renewal applicant is an individual who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or is delinquent in making court–ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. An applicant whose application is denied under this subsection for delinquent payments or failure to comply with a subpoena or warrant is entitled to a notice and hearing only as provided in a memorandum of understanding entered into under s. 49.857 and is not entitled to any other notice or hearing under this section.

SECTION 419. 218.05 (12) (ar) of the statutes is created to read:

218.05 **(12)** (ar) The division shall revoke a license under this section if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is revoked under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 420. 218.05 (12) (b) of the statutes is amended to read:

218.05 **(12)** (b) The division may revoke only the particular license with respect to which grounds for revocation may occur or exist, or if the division shall find that such grounds for revocation are of general application to all offices or to more than one office operated by such licensee, the division may revoke all of the licenses issued to such licensee or such number of licenses to which such grounds apply. A revocation under pars. (am) and (ar) applies to all of the licenses issued to the licensee.

SECTION 421. 218.05 (12) (e) of the statutes is amended to read:

218.05 **(12)** (e) ~~No~~ Except as provided under pars. (am) and (ar), no license shall be revoked until the licensee has had notice of a hearing thereon and an opportunity to be heard. When any license is so revoked, the division shall within 20 days thereafter, prepare and keep on file with the division, a written order or decision of revocation which shall contain the division's findings with respect thereto and the reasons supporting the revocation and shall send by mail a copy thereof to the licensee at the address set forth in the license within 5 days after the filing with the division of such order, finding or decision.

SECTION 422m. 218.11 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is repealed and recreated to read:

218.11 **(2)** (a) Application for license and renewal license shall be made to the licensor on forms prescribed and furnished by the licensor, accompanied by the license fee required under par. (c) or (d).

SECTION 424m. 218.11 (2) (am) of the statutes, as created by 1997 Wisconsin Act 191, is repealed and recreated to read:

218.11 **(2)** (am) 1. In addition to any other information required under par. (a), an application by an individual for the issuance or renewal of a license under this section shall include the individual's social security number and, if the application is made by a person who is not an individual for the issuance or renewal of a license under this section shall include the person's federal employer identification number.

2. The licensor shall deny an application for the issuance or renewal of a license if the information required under subd. 1. is not included in the application.

3. The licensor may not disclose any information received under subd. 1. to any person except to the department of industry, labor and job development for purposes of administering s. 49.22 or to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 425g. 218.11 (6m) of the statutes, as created by 1997 Wisconsin Act 191, is renumbered 218.11 (6m) (a).

SECTION 425m. 218.11 (6m) (b) of the statutes is created to read:

218.11 **(6m)** (b) The licensor shall suspend or revoke a license if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is suspended or revoked under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 427m. 218.11 (7) (b) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

218.11 **(7)** (b) No license may be suspended or revoked except after a hearing thereon. The licensor shall give the licensee at least 5 days' notice of the time and

place of such hearing. The order suspending or revoking such license shall not be effective until after 10 days' written notice thereof to the licensee, after such hearing has been had; except that the licensor, when in its opinion the best interest of the public or the trade demands it, may suspend a license upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license. Matters involving suspensions and revocations brought before the licensor shall be heard and decided upon by the department of administration. If the licensor is the department of transportation, the division of hearings and appeals shall conduct the hearing. This paragraph does not apply to licenses that are suspended or revoked under sub. (6m).

SECTION 429m. 218.12 (2) (am) 2. of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

218.12 **(2)** (am) 2. The licensor may not disclose a social security number obtained under par. (a) to any person except to the department of workforce development for the sole purpose of administering s. 49.22 or to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 430g. 218.12 (3m) of the statutes, as created by 1997 Wisconsin Act 191, is renumbered 218.12 (3m) (a).

SECTION 430m. 218.12 (3m) (b) of the statutes is created to read:

218.12 **(3m)** (b) The licensor shall suspend or revoke a license if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is suspended or revoked under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 431m. 218.12 (5) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

218.12 **(5)** The provision of s. 218.01 (3) relating to the denial, suspension and revocation of a motor vehicle salesperson's license shall apply to the denial, suspension and revocation of a mobile home salesperson's license so far as applicable, except that such provision does not apply to the denial ~~or~~, suspension or revocation of a license under sub. (3m).

SECTION 433. 218.21 (2) (am) of the statutes is created to read:

218.21 **(2)** (am) If the applicant is a person who is not an individual, the person's federal employer identification number.

SECTION 434m. 218.21 (2m) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.21 **(2m)** (a) The department shall deny an application for the issuance or renewal of a license if the information required under sub. (2) (ag) or (am) is not included in the application.

(b) The department of transportation may not disclose any information received under sub. (2) (ag) or (am) to any person except to the department of industry, labor and job development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 435g. 218.22 (3m) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 218.22 (3m) (a).

SECTION 435m. 218.22 (3m) (b) of the statutes is created to read:

218.22 **(3m)** (b) The department of transportation shall suspend or revoke a license if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is suspended or revoked under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 437m. 218.22 (4) (b) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

218.22 **(4)** (b) No license shall be suspended or revoked except after a hearing thereon. The licensor shall give the licensee at least 5 days' notice of the time and place of such hearing. The order suspending or revoking such license shall not be effective until after 10 days' written notice thereof to the licensee, after such hearing has been had; except that the licensor, when in its opinion the best interest of the public or the trade demands it, may suspend a license upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license. Matters involving suspensions and revocations brought before the department shall be heard and decided upon by the division of hearings and appeals. This paragraph does not apply to licenses that are suspended or revoked under sub. (3m).

SECTION 439. 218.31 (1) (am) of the statutes is created to read:

218.31 **(1)** (am) When the applicant is a person who is not an individual, the person's federal employer identification number.

SECTION 440m. 218.31 (1m) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

218.31 **(1m)** (a) The department shall deny an application for the issuance or renewal of a license if the information required under sub. (1) (ag) or (am) is not included in the application.

(b) The department of transportation may not disclose any information received under sub. (1) (ag) or (am) to any person except to the department of industry, labor and job development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 441g. 218.32 (3m) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 218.32 (3m) (a).

SECTION 441m. 218.32 (3m) (b) of the statutes is created to read:

218.32 **(3m)** (b) The department of transportation shall suspend or revoke a license if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is suspended or revoked under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 443b. 218.32 (4) (b) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

218.32 **(4)** (b) No license shall be suspended or revoked except after a hearing thereon. The licensor shall give the licensee at least 5 days' notice of the time and place of such hearing. The order suspending or revoking such license shall not be effective until after 10 days' written notice thereof to the licensee, after such hearing has been had; except that the licensor, when in its opinion the best interest of the public or the trade demands it, may suspend a license upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license. Matters involving suspensions and revocations brought before the department shall be heard and decided upon by the division of hearings and appeals. This paragraph does not apply to licenses that are suspended <u>or revoked</u> under sub. (3m).

SECTION 443bm. 218.41 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

218.41 **(2)** (a) Application for license shall be made to the department at such time and in such form, and containing such information, as the department requires. ~~If the applicant is an individual, the application shall include the applicant's social security number.~~

SECTION 443d. 218.41 (2) (am) of the statutes, as created by 1997 Wisconsin Act 191, is repealed and recreated to read:

218.41 **(2)** (am) 1. In addition to any other information required under this subsection, an application for a license under this section shall include the following:

a. In the case of an individual, the individual's social security number.

b. In the case of a person that is not an individual, the person's federal employer identification number.

2. The department of transportation may not disclose any information received under subd. 1. a. or b. to any person except to the department of workforce development for the sole purpose of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 443e. 218.41 (3m) of the statutes, as created by 1997 Wisconsin Act 191, is renumbered 218.41 (3m) (a).

SECTION 443f. 218.41 (3m) (b) of the statutes is created to read:

218.41 **(3m)** (b) 1. A license shall be denied if the applicant fails to provide the information required under sub. (2) (am) 1. a. or b.

2. A license shall be suspended or revoked if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is suspended or revoked under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 443g. 218.41 (5) (d) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

218.41 **(5)** (d) This subsection does not apply to licenses that are suspended <u>or revoked</u> under sub. (3m).

SECTION 443h. 218.51 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

218.51 **(3)** (a) The department shall administer this section and specify the form of the application for a buyer identification card and the information required to be provided in the application. ~~If the applicant is an individual, the application shall include the applicant's social security number.~~

SECTION 443j. 218.51 (3) (am) of the statutes, as created by 1997 Wisconsin Act 191, is repealed and recreated to read:

218.51 **(3)** (am) 1. In addition to any other information required under par. (a), an application for a buyer identification card shall include the following:

a. In the case of an individual, the individual's social security number.

b. In the case of a person that is not an individual, the person's federal employer identification number.

2. The department of transportation may not disclose any information received under subd. 1. a. or b. to any person except to the department of workforce development for the sole purpose of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 443k. 218.51 (4m) of the statutes, as created by 1997 Wisconsin Act 191, is renumbered 218.51 (4m) (a).

SECTION 443m. 218.51 (4m) (b) of the statutes is created to read:

218.51 **(4m)** (b) 1. A buyer identification card shall be denied if the applicant fails to provide the information required under sub. (3) (am) 1. a. or b.

2. A buyer identification card shall be suspended or revoked if the department of revenue certifies under s.

73.0301 that the cardholder is liable for delinquent taxes. A cardholder whose buyer identification card is suspended or revoked under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 443p. 218.51 (5) (b) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

218.51 **(5)** (b) No buyer identification card may be suspended or revoked except after a hearing thereon. The department shall give the cardholder at least 5 days' notice of the time and place of such hearing. The order suspending or revoking a buyer identification card shall not be effective until after 10 days' written notice thereof to the cardholder, after such hearing has been had; except that the department, when in its opinion the best interest of the public or the trade demands it, may suspend a buyer identification card upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the buyer identification card. Matters involving suspensions and revocations brought before the department shall be heard and decided upon by the division of hearings and appeals. This paragraph does not apply to licenses that are suspended or revoked under sub. (4m).

SECTION 445m. 224.72 (2) (c) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

224.72 **(2)** (c) *Social security and federal employer identification numbers.* 1. An application shall include the following:

a. In the case of an individual, the individual's social security number.

b. In the case of a person that is not an individual, the person's federal employer identification number.

2. The department may not disclose any information received under subd. 1. to any person except as follows:

a. The department may disclose information under subd. 1. to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

b. The department may disclose information under subd. 1. a. to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

SECTION 447m. 224.72 (5) (b) of the statutes, as affected by 1997 Wisconsin Acts 145 and .... (Senate Bill 494), is repealed and recreated to read:

224.72 **(5)** (b) *Mortgage banker and mortgage broker.* Except as provided in sub. (7m), upon receiving a properly completed application for registration as a mortgage banker or a mortgage broker, the fee specified in rules promulgated under sub. (8) and satisfactory evidence of compliance with subs. (4) and (4m), the division may issue to the applicant a certificate of registration as a mortgage banker or mortgage broker.

SECTION 449m. 224.72 (7m) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

224.72 **(7m)** DENIAL OF APPLICATION FOR ISSUANCE OR RENEWAL OF REGISTRATION. The department may not issue or renew a certificate of registration under this section if any of the following applies:

(a) The applicant for the issuance or renewal has failed to provide the information required under sub. (2) (c) 1.

(b) The department of revenue has certified under s. 73.0301 that the applicant is liable for delinquent taxes. An applicant whose application for issuance or renewal of a certificate of registration is denied under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

(c) The applicant for the issuance or renewal is an individual who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. An applicant whose registration is not issued or renewed under this paragraph for delinquent payments is entitled to a notice and hearing under s. 49.857 but is not entitled to any other notice or hearing under this section.

SECTION 449s. 224.77 (6) of the statutes, as created by 1997 Wisconsin Act 145, is renumbered 224.77 (6m).

SECTION 450. 224.77 (7) of the statutes is created to read:

224.77 **(7)** REVOCATION FOR LIABILITY FOR DELINQUENT TAXES. The department shall revoke the certificate of registration of a mortgage banker, loan originator or loan solicitor if the department of revenue certifies under s. 73.0301 that the registrant is liable for delinquent taxes. A registrant whose certificate of registration is revoked under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice, hearing or review under this section.

SECTION 450r. 227.01 (13) (yt) of the statutes, as created by 1997 Wisconsin Act 231, is repealed.

SECTION 451. 227.03 (7m) of the statutes is created to read:

227.03 **(7m)** Except as provided in s. 101.143 (6s), this chapter does not apply to proceedings in matters that are arbitrated under s. 101.143 (6s).

SECTION 452. 227.44 (8) of the statutes is amended to read:

227.44 **(8)** A stenographic, electronic or other record of oral proceedings shall be made in any class 2 or class 3 proceeding and in any class 1 proceeding when requested by a party. Each agency may establish rules relating to the transcription of the record into a written transcript and the providing of free copies of the written transcript. Rules may require a purpose for transcription which is deemed by the agency to be reasonable, such as appeal, and if this test is met to the satisfaction of the agency, the record shall be transcribed at the agency's expense, except that in preparing the record for judicial review of a decision that was made in an appeal under s. 227.47 (2) or in an arbitration proceeding under s. 101.143 (6s) or 230.44 (4) (bm) the record shall be transcribed at the expense of the party petitioning for judicial review. Rules may require a showing of impecuniousness or financial need as a basis for providing a free copy of the transcript, otherwise a reasonable compensatory fee may be charged. If any agency does not promulgate such rules, then it must transcribe the record and provide free copies of written transcripts upon request. In any event, an agency shall not refuse to provide a written transcript if the person making the request pays a reasonable compensatory fee for the transcription and for the copy. This subsection does not apply where a transcript fee is specifically provided by law.

SECTION 452b. 230.05 (8) of the statutes is amended to read:

230.05 **(8)** The administrator may provide any personnel ~~testing~~ services to nonstate governmental units and may charge ~~for those~~ the nonstate governmental units for providing the services.

SECTION 452c. 230.08 (2) (cm) of the statutes is amended to read:

230.08 **(2)** (cm) All positions of the university of Wisconsin system identified in s. 20.923 ~~(4)~~ (4g), (4m) and (5).

SECTION 452e. 230.08 (2) (fc) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

230.08 **(2)** (fc) The chief and personnel of the legislative reference bureau.

SECTION 452f. 230.08 (2) (fp) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

230.08 **(2)** (fp) The director and personnel of the ~~integrated~~ legislative ~~information system staff~~ technology services bureau.

SECTION 452g. 230.12 (1) (a) 1. b. of the statutes is amended to read:

230.12 **(1)** (a) 1. b. The provisions governing the pay of all unclassified positions except positions for employes of the university of Wisconsin system which are not identified under s. 20.923 ~~(4) or~~ (4m), for employes of the legislature which are not identified under s. 20.923 (4), for employes of a service agency under subch. IV of ch. 13, for employes of the state court system, for employes of the investment board identified under s. 230.08 (2) (p), for one stenographer employed by each elective executive officer under s. 230.08 (2) (g), and for 3 sales representatives of prison industries and one sales manager of prison industries identified under s. 303.01 (10).

SECTION 452n. 230.12 (3) (e) of the statutes is amended to read:

230.12 **(3)** (e) *University of Wisconsin system senior executives, faculty and academic staff employes.* The secretary, after receiving recommendations from the board of regents, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employe benefits for employes under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining unit under subch. V of ch. 111 for which a representative is certified. The proposal shall include the salary ranges and adjustments to the salary ranges for the university senior executive salary groups established under s. 20.923 (4g). The proposal shall be based upon the competitive ability of the board of regents to recruit and retain qualified faculty and academic staff, data collected as to rates of pay for comparable work in other public services, universities and commercial and industrial establishments, recommendations of the board of regents and any special studies carried on as to the need for any changes in compensation and employe benefits to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies. The proposal for such pay adjustments may contain recommendations for across−the−board pay adjustments, merit or other adjustments and employe benefit improvements. Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for such employes under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such employes under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit and adjustments other than across−the−board pay adjustments is available for discretionary use by the board of regents.

SECTION 452r. 230.12 (5) (d) of the statutes is amended to read:

230.12 **(5)** (d) *Individual increase limit.* Except as authorized in s. 36.09 (1) (j) for a position specified in s. 20.923 ~~(4) (j) or~~ (4m), no appointing authority shall award an employe cumulative performance award increases or other types of cumulative within range pay adjustments exceeding a total of 10% of the employe's base pay during a fiscal year. This paragraph does not apply to a specific type of pay increase authorized by the compensation plan if the plan specifically refers to this paragraph and specifically provides that the type of pay

increase referenced in the plan is not subject to this paragraph.

SECTION 452t. 230.80 (3) (b) of the statutes is amended to read:

230.80 **(3)** (b) A person who is, or whose immediate supervisor is, assigned to an executive salary group or university senior executive salary group under s. 20.923.

SECTION 452v. 233.04 (7) (g) of the statutes is amended to read:

233.04 **(7)** (g) A provision that protects the board of regents from all liability associated with the management, operation, use or maintenance of the on−campus facilities. No such provision shall make the authority liable for the acts or omissions of any officer, employe or agent of the board of regents, including any student who is enrolled at an institution ~~or center~~ within the University of Wisconsin System, unless the officer, employe or agent acts at the direction of the authority.

SECTION 452x. 233.17 (2) (a) of the statutes is amended to read:

233.17 **(2)** (a) No officer, employe or agent of the board of regents, including any student who is enrolled at an institution ~~or center~~ within the University of Wisconsin System, is an agent of the authority unless the officer, employe or agent acts at the express written direction of the authority.

SECTION 453. 250.05 (5) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

250.05 **(5)** REGISTRATION. Except as provided in sub. (8m) and s. 250.041, the department, upon application on forms prescribed by it and payment of the prescribed fee, shall register as a sanitarian any person who has presented evidence satisfactory to the department that standards and qualifications of the department, as established by rule, have been met.

SECTION 454. 250.05 (6) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

250.05 **(6)** FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. A fee fixed by rule of the department shall accompany the application under sub. (5) and, beginning January 1, 1988, a biennial fee of $25 shall be paid by every registered sanitarian who desires to continue registration. The amounts of the fees may be adjusted by the department by rule. All certificates of registration shall expire on December 31 in each odd−numbered year. Except as provided in sub. (8m) and s. 250.041, the department may renew registrations upon application made after January 1 of each even−numbered year if it is satisfied that the applicant has good cause for not making application in December of the immediately preceding year and upon payment of the biennial fee and any additional fees prescribed by the department.

SECTION 455. 250.05 (8) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

250.05 **(8)** REVOCATION OF REGISTRATION. The department may, after a hearing held in conformance with ch. 227, except as provided in sub. (8m) (e), revoke or suspend under this section the registration of any sanitarian for practice of fraud or deceit in obtaining the registration or any gross professional negligence, incompetence or misconduct.

SECTION 456. 250.05 (8m) of the statutes is created to read:

250.05 **(8m)** REGISTRATION DENIAL, NONRENEWAL AND REVOCATION BASED ON TAX DELINQUENCY. (a) The department shall require each applicant for registration under this section to provide the department with the applicant's social security number as a condition of issuing or renewing the registration.

(b) The department may not disclose any information received under par. (a) to any person except to the department of revenue for the purpose of requesting certifications under s. 73.0301.

(c) The department shall deny an application for the issuance or renewal of registration under this section if the applicant does not provide the information specified in par. (a).

(d) The department shall deny an application for the issuance or renewal of registration under this section or shall revoke a registration issued under this section, if the department of revenue certifies under s. 73.0301 that the applicant or holder of the registration is liable for delinquent taxes.

(e) The only hearing rights available for a denial, revocation or nonrenewal of registration under this section based on tax delinquency are those set forth in s. 73.0301 (5).

SECTION 457c. 252.23 (2) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

252.23 **(2)** DEPARTMENT; DUTY. Except as provided in ~~s.~~ ss. 250.041 and 252.241, the department shall provide uniform, statewide licensing and regulation of tattooists and uniform, statewide licensing and regulation of tattoo establishments under this section. The department shall inspect a tattoo establishment once before issuing a license for the tattoo establishment under this section and may make additional inspections that the department determines are necessary.

SECTION 457d. 252.23 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

252.23 **(4)** (a) Except as provided in ~~s.~~ ss. 250.041 and 252.241, standards and procedures, including fee payment to offset the cost of licensing tattooists and tattoo establishments, for the annual issuance of licenses as

tattooists or as tattoo establishments to applicants under this section.

SECTION 457e. 252.24 (2) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

252.24 **(2)** DEPARTMENT; DUTY. Except as provided in ~~s.~~ ss. 250.041 and 254.241, the department shall provide uniform, statewide licensing and regulation of body piercers and uniform, statewide licensing and regulation of body−piercing establishments under this section. The department shall inspect a body−piercing establishment once before issuing a license for the body−piercing establishment under this section and may make additional inspections that the department determines are necessary.

SECTION 457f. 252.24 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

252.24 **(4)** (a) Except as provided in ~~s.~~ ss. 250.041 and 252.241, standards and procedures, including fee payment to offset the cost of licensing body piercers and body−piercing establishments, for the annual issuance of licenses as body piercers or as body−piercing establishments to applicants under this section.

SECTION 457g. 252.241 of the statutes is created to read:

252.241 Denial, nonrenewal and revocation of license based on tax delinquency. (1) The department shall require each applicant to provide the department with the applicant's social security number, if the applicant is an individual, or the applicant's federal employer identification number, if the applicant is not an individual, as a condition of issuing or renewing a license under s. 252.23 (2) or (4) (a) or 252.24 (2) or (4) (a).

(2) The department may not disclose any information received under sub. (1) to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(3) The department shall deny an application for the issuance or renewal of a license specified in sub. (1) if the applicant does not provide the information specified in sub. (1).

(4) The department shall deny an application for the issuance or renewal of a license specified in sub. (1), or shall revoke the license specified in sub. (1), if the department of revenue certifies under s. 73.0301 that the applicant for or holder of the license is liable for delinquent taxes.

SECTION 458. 254.115 of the statutes is created to read:

254.115 Denial, nonrenewal and revocation of certification and permit based on tax delinquency. (1) The department shall require each applicant to provide the department with the applicant's social security number, if the applicant is an individual, or the applicant's federal employer identification number, if the applicant is not an individual, as a condition of issuing or renewing any of the following:

(a) Certification under s. 254.176.

(b) A certification card under s. 254.20 (3) or (4).

(c) A permit for operation of a campground under s. 254.47 (1) or (2m).

(d) A permit under s. 255.08 (2) (a) or (b).

(2) The department may not disclose any information received under sub. (1) to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(3) The department shall deny an application for the issuance or renewal of a certification, certification card or permit specified in sub. (1) if the applicant does not provide the information specified in sub. (1).

(4) The department shall deny an application for the issuance or renewal of a certification, certification card or permit specified in sub. (1), or shall revoke the certification, certification card or permit specified in sub. (1), if the department of revenue certifies under s. 73.0301 that the applicant for or holder of the certification, certification card or permit is liable for delinquent taxes.

SECTION 459. 254.176 (1) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

254.176 **(1)** Except as provided in sub. (2) and s. 250.041, and subject to s. 254.115, the department may establish by rule certification requirements for any person who performs lead hazard reduction or a lead management activity or who supervises the performance of any lead hazard reduction or lead management activity.

SECTION 460. 254.176 (3) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

254.176 **(3)** (intro.) Except as provided in s. 250.041 and subject to s. 254.115, the department may promulgate rules establishing certification requirements for persons required to be certified under this section. Any rules promulgated under this section:

SECTION 461. 254.176 (5) of the statutes is amended to read:

254.176 **(5)** After notice and opportunity for hearing, the department may revoke, suspend, deny or refuse to renew any certification issued under this section in accordance with the procedures set forth in ch. 227, except that the only hearing rights available for a denial, revocation or nonrenewal of any certification issued under this section based on tax delinquency are those set forth in s. 73.0301 (5).

SECTION 462. 254.20 (2) (d) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

254.20 **(2)** (d) Except as provided in s. 250.041 and subject to s. 254.115, the department may establish by rule certification requirements for any person not certified under pars. (a) to (c) who performs any asbestos abatement activity or asbestos management activity or who supervises the performance of any asbestos abatement activity or asbestos management activity.

SECTION 463. 254.20 (4) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

254.20 **(4)** RENEWAL. A certification card issued under sub. (3) is valid for one year. Except as provided in s. 250.041 and subject to s. 254.115, the department may establish requirements for renewing such a card, including but not limited to additional training.

SECTION 464. 254.20 (7) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

254.20 **(7)** APPEALS. ~~Except as provided in s. 250.041, any~~ Any suspension, revocation or nonrenewal of a certification card required under sub. (2) or any denial of an application for such a certification card is subject to judicial review under ch. 227, except as provided in s. 250.041 and except that the only hearing rights available for a denial, revocation or nonrenewal of a certification card required under sub. (2) based on tax delinquency are those set forth in s. 73.0301 (5).

SECTION 464g. 254.47 (1) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

254.47 **(1)** Except as provided in ~~s.~~ ss. 250.041 and 254.115, the department or a local health department granted agent status under s. 254.69 (2) shall issue permits to and regulate campgrounds and camping resorts, recreational and educational camps and public swimming pools. No person or state or local government who has not been issued a permit under this section may conduct, maintain, manage or operate a campground and camping resort, recreational camp and educational camp or public swimming pool, as defined by departmental rule.

SECTION 464h. 254.47 (2m) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

254.47 **(2m)** Except as provided in ~~s.~~ ss. 250.041 and 254.115, the initial issuance, renewal or continued validity of a permit issued under this section may be conditioned upon the requirement that the permittee correct a violation of this section, rules promulgated by the department under this section or ordinances adopted under s. 254.69 (2) (g), within a period of time that is specified. If the condition is not met within the specified period of time, the permit is void.

SECTION 464hm. 254.61 (5) (f) of the statutes is amended to read:

254.61 **(5)** (f) Any ~~center~~ college campus, as defined in s. 36.05 ~~(4)~~ (6m), institution as defined in s. 36.51 (1) (b) or technical college that serves meals only to the students enrolled in the ~~center~~ college campus, institution or school or to authorized elderly persons under s. 36.51 or 38.36.

SECTION 464i. 255.08 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

255.08 **(2)** (a) No person may operate a tanning facility without a permit that the department may, except as provided in ~~s.~~ ss. 250.041 and 254.115, issue under this subsection. The holder of a permit issued under this subsection shall display the permit in a conspicuous place at the tanning facility for which the permit is issued.

SECTION 464j. 255.08 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 191, is amended to read:

255.08 **(2)** (b) Permits issued under this subsection shall expire annually on June 30. Except as provided in ~~s.~~ ss. 250.041 and 254.115, a permit applicant shall submit an application for a permit to the department on a form provided by the department with a permit fee established by the department by rule. The application shall include the name and complete mailing address and street address of the tanning facility and any other information reasonably required by the department for the administration of this section.

SECTION 466c. 281.48 (3) (a) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

281.48 **(3)** (a) *License; application.* Every person before engaging in servicing in this state shall submit an application for a license on forms prepared by the department. Except as provided in ~~s.~~ ss. 299.07 and 299.08, if the department, after investigation, is satisfied that the applicant has the qualifications, experience, understanding of proper servicing practices, as demonstrated by the successful completion of an examination given by the department, and equipment to perform the servicing in a manner not detrimental to public health it shall issue the license. The license fee shall accompany all applications.

SECTION 468. 281.58 (3) of the statutes is renumbered 281.58 (3) (a).

SECTION 469. 281.58 (3) (b) of the statutes is created to read:

281.58 **(3)** (b) The department may enter into an agreement with the U.S. environmental protection agency to receive a grant for federal financial hardship assistance under P.L. 104−134, Title III. The agreement may contain any provision required by 40 CFR part 31 or other environmental protection agency regulations that apply to grant recipients.

SECTION 470. 281.58 (6) (b) 5. of the statutes is amended to read:

281.58 **(6)** (b) 5. Providing state financial hardship assistance under sub. (13) from the account under s. 25.43 (2) (b).

SECTION 471. 281.58 (6) (b) 5m. of the statutes is created to read:

281.58 **(6)** (b) 5m. Providing federal financial hardship assistance grants under sub. (13) from the account under s. 25.43 (2) (ae).

SECTION 472. 281.58 (13) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

281.58 **(13)** (b) A municipality with an application that is approved under sub. (9m) is eligible for state finan-

cial hardship assistance for the project costs that are eligible under the clean water fund program, except for costs to which sub. (8) (b), (c), (f) or (h) applies, if the municipality meets all of the following criteria:

SECTION 473. 281.58 (13) (be) of the statutes is created to read:

281.58 **(13)** (be) A municipality with an application that is approved under sub. (9m) is eligible for federal financial hardship assistance for the project costs that are eligible under the clean water fund program, except for costs to which sub. (8) (b), (c), (f) or (h) applies, if the municipality meets all of the following criteria:

1. The population of the municipality is 3,000 or less.

2. The municipality is a rural community, as determined by the department.

3. The municipality lacks centralized wastewater treatment or collection systems or needs improvements to onsite wastewater treatment systems and federal financial hardship assistance will improve public health or reduce an environmental risk.

4. The per capita annual income of residents to be served by the project does not exceed 80% of national per capita annual income, based on the most recent data available from the U.S. bureau of the census.

5. On the date that the municipality applies for assistance, the unemployment rate for the county in which the municipality is located exceeds by 1% or more the average yearly national unemployment rate most recently reported by the federal bureau of labor statistics.

SECTION 474. 281.58 (13) (bs) of the statutes is created to read:

281.58 **(13)** (bs) If a municipality is eligible for state financial hardship assistance under par. (b) and for federal financial hardship assistance under par. (be), the department may determine whether to provide state financial hardship assistance, federal financial hardship assistance or both for the municipality's project.

SECTION 475. 281.58 (13) (cm) of the statutes is created to read:

281.58 **(13)** (cm) The amount and type of assistance to be provided to a municipality that receives state financial hardship assistance shall be determined under rules promulgated by the department. Assistance to be provided to a municipality that receives federal financial hardship assistance shall be in the form of a grant for a portion of the project costs plus a loan at the interest rate under sub. (12) for the type of project being funded. The maximum amount of subsidy that a municipality receiving federal financial hardship assistance may receive is equal to the amount of subsidy that the municipality would have received if it had received state financial hardship assistance. If a municipality receives state financial hardship assistance and federal financial hardship assistance for a project, the total amount of the subsidy for the project may not exceed the amount of subsidy that the municipality would have received if it had received only state financial hardship assistance. Subsection (8) (g) does not apply to the amount of a federal financial hardship assistance grant that a municipality may receive.

SECTION 476. 281.58 (13) (d) of the statutes is amended to read:

281.58 **(13)** (d) The department shall establish a financial hardship assistance funding list for each fiscal year that ranks projects of municipalities that are eligible under par. (b) or (be), and that submit complete financial assistance applications under sub. (9) (a) no later than June 30 of the preceding fiscal year, in the same order that they appear on the priority list under sub. (8e).

SECTION 477. 281.58 (13) (e) (intro.) of the statutes is amended to read:

281.58 **(13)** (e) (intro.) ~~In~~ Subject to par. (em), in each fiscal year, the department shall allocate financial hardship assistance under this subsection in the following order:

SECTION 478. 281.58 (13) (em) of the statutes is created to read:

281.58 **(13)** (em) 1. In a fiscal year, if all available state financial hardship assistance has been allocated under par. (e) and federal financial hardship assistance remains to be allocated, the department may allocate federal financial hardship assistance to projects that are eligible for federal financial hardship assistance under par. (be), but that are lower on the funding list than projects that are eligible only for state financial hardship assistance under par. (b), beginning with the next project on the funding list that is eligible for federal financial hardship assistance.

2. In a fiscal year, if all available federal financial hardship assistance has been allocated and state financial hardship assistance remains to be allocated, the department may allocate state financial hardship assistance to projects that are eligible for state financial hardship assistance under par. (b), but that are lower on the funding list than projects that are eligible only for federal financial hardship assistance under par. (be), beginning with the next project on the funding list that is eligible for state financial hardship assistance.

SECTION 479. 281.59 (3) (a) 6. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

281.59 **(3)** (a) 6. An amount equal to the estimated present value of subsidies for all clean water fund program loans and grants expected to be made for the wastewater treatment projects listed in the biennial needs list under s. 281.58 (3m), except for federal financial hardship assistance grants under s. 281.58 (13), discounted at a rate of 7% per year to the first day of the biennium for which the biennial finance plan is prepared.

SECTION 480. 281.59 (3e) (a) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

281.59 **(3e)** (a) 1. An amount of present value of the subsidy for the clean water fund program, except for fed-

eral financial hardship assistance grants under s. 281.58 (13), that is specified for that biennium under par. (b) and is based on the amount included in the biennial finance plan under sub. (3) (a) 6.

SECTION 481. 281.59 (3e) (e) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

281.59 **(3e)** (e) The department may expend, for financial hardship assistance, other than federal financial hardship assistance grants under s. 281.58 (13) (be), in a biennium under s. 281.58 (13) (e), an amount up to 15% of the amount approved by the legislature under par. (b) for that biennium. The department may expend such amount only from the percentage of the amount approved by the legislature under par. (b) that is not available under par. (d) for financial assistance.

SECTION 481e. 281.60 (5) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

281.60 **(5)** APPLICATION. After submitting a notice of intent to apply under sub. (3) (a) or obtaining a waiver under sub. (3) (b), an eligible applicant shall submit an application for land recycling loan program financial assistance to the department. The eligible applicant shall submit the application before the ~~April 30 preceding the beginning of the fiscal year in which the eligible applicant is requesting to receive the financial assistance~~ date established by the department by rule. The application shall be in the form and include the information required by the department and the department of administration. An eligible applicant may not submit more than one application per project per year.

SECTION 481f. 281.60 (8) (a) (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

281.60 **(8)** (a) (intro.) The department shall establish a funding list for each fiscal year that ranks projects of eligible applicants that submit approvable applications under sub. (5) ~~before the April 30 preceding the beginning of the fiscal year~~ in the same order that they appear on the priority list under sub. (6). If sufficient funds are not available to fund all approved applications for financial assistance, the department of administration shall allocate funding to projects that are approved under sub. (7) in the order that they appear on the funding list, except as follows:

SECTION 481g. 281.60 (10) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

281.60 **(10)** DEADLINE FOR CLOSING. If funding is allocated to a project under sub. (8) for a loan and the loan is not closed ~~before April 30 of the year following the year in~~ within 12 months after the date on which funding is allocated, the department of administration shall release the funding allocated to the project.

SECTION 481m. 281.65 (8b) of the statutes is created to read:

281.65 **(8b)** Beginning in 1999, if the department establishes an anticipated cost−share reimbursement amount for a year for a county that receives funding under this section and the county enters into cost−share agreements with landowners or operators that result in reimbursable amounts for the year that exceed the amount established by the department, the county shall provide reimbursement to the landowners or operators in the amount by which the reimbursable amounts exceed the amount established by the department.

SECTION 482. 281.99 (2) (a) 1. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

281.99 **(2)** (a) 1. For water systems that serve a population of more than 10,000 persons, not less than $10 ~~and not~~ nor more than $1,000 for each day of each violation, but not more than $25,000 per violation in one order.

SECTION 484. 292.15 (2) (a) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

292.15 **(2)** (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, with respect to the existence of a hazardous substance on the property, if all of the following occur at any time before or after the date of acquisition:

SECTION 485. 292.15 (4) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

292.15 **(4)** LIMITED RESPONSIBILITY. (intro.) The responsibility of a voluntary party under sub. (2) (a) 2. may be monetarily limited by agreement between the voluntary party and the department if the voluntary party purchased the property from a ~~municipality~~ local governmental unit that acquired the property in a way described in s. 292.11 (9) (e) 1m. a. ~~or~~, b., c. or d. The agreement shall stipulate all of the following:

SECTION 486. 292.15 (7) (c) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

292.15 **(7)** (c) Any hazardous waste disposal facility that has been issued a license under s. 144.441 (2), 1995 stats., or s. 289.41 (1m), or rules promulgated under those sections, for a period of long−term care following closure of the facility ~~if the license was issued on or before October 14, 1997~~.

SECTION 486p. 292.55 (2) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read: **Vetoed In Part**

292.55 **(2)** The department may assess and collect fees from a person to offset the costs of providing assistance under sub. (1), except that the department may not assess or collect a fee for providing assistance related to s. 101.143. The department shall promulgate rules for the assessment and collection of fees under this subsection. Fees collected under this subsection shall be credited to the appropriation account under s. 20.370 (2) (dh).

SECTION 487. 292.66 (5) of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

SECTION 489. 299.07 of the statutes is created to read:

299.07 License denial, nonrenewal and revocation based on tax delinquency. (1) (a) The department shall require each applicant to provide the department with the applicant's social security number, if the applicant is an individual, or the applicant's federal employer identification number, if the applicant is not an individual, as a condition of issuing or renewing any of the following:

1. A registration under s. 280.15.
2. A certification under s. 281.17 (3).
3. A license or certification under s. 281.48 (3).
4. A certification under s. 285.51 (2).

4m. A certification under s. 285.59 (5).

5. A certification under s. 289.42 (1).
6. A license under s. 291.23.
7. A license under s. 293.21.
8. A license under s. 293.25 (2).

10. A license under s. 295.33.

11. A certification or registration under s. 299.11.

12. A license under s. 299.51 (3) (c).

(b) The department may not disclose any information received under par. (a) to any person except as follows:

1. To the department of revenue for the purpose of requesting certifications under s. 73.0301.

2. If the department is required to obtain the information under s. 299.08 (1) (a), to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

(2) The department shall deny an application for the issuance or renewal of a license, registration or certification specified in sub. (1) (a), or shall revoke a license, registration or certification specified in sub. (1) (a), if the department of revenue certifies under s. 73.0301 that the applicant or holder of the license, registration or certification is liable for delinquent taxes.

SECTION 489c. 299.08 (1) (b) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

299.08 **(1)** (b) The department may not disclose any information received under par. (a) to any person except as follows:

1. To the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

2. If the department is required to obtain the information under s. 299.07 (1) (a), to the department of revenue for the purpose of requesting certifications under s. 73.0301.

SECTION 490. 301.03 (14) of the statutes is created to read:

301.03 **(14)** Upon request of the department of revenue, disclose information to the department of revenue concerning a prisoner, probationer or parolee or a person registered under s. 301.45 for the purposes of locating persons, or the assets of persons, who have failed to file tax returns, who have underreported their taxable income or who are delinquent taxpayers, identifying fraudulent tax returns or providing information for tax−related prosecutions.

SECTION 491. 301.03 (18) of the statutes is created to read:

301.03 **(18)** (a) Except as provided in s. 301.12 (14) (b) and (c), establish a uniform system of fees for juvenile delinquency−related services provided or purchased by the department or a county department under s. 46.215, 46.22 or 46.23, except for services provided to courts; outreach, information and referral services; or when, as determined by the department, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22 or 46.23 shall apply the fees that it collects under this program to cover the cost of those services.

(b) Except as provided in s. 301.12 (14) (b) and (c), hold liable for the services provided or purchased under par. (a) in the amount of the fee established under par. (a) any person receiving those services or the spouse of the person and, in the case of a minor, the parents of the person, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption.

(c) Make collections from the person who in the opinion of the department is best able to pay, giving due regard to the present needs of the person or of his or her lawful dependents. The department may bring action in the name of the department to enforce the liability established under par. (b). This paragraph does not apply to the recovery of fees for the care and services specified under s. 301.12.

(d) Compromise or waive all or part of the liability for services received as the department considers necessary to efficiently administer this subsection, subject to such conditions as the department considers appropriate. The sworn statement of the collection and deportation counsel appointed under s. 301.12 (7) or the secretary, shall be evidence of the services provided and the fees charged for those services.

(e) Delegate to county departments under s. 46.215, 46.22 or 46.23 and other providers of care and services the powers and duties vested in the department by pars. (c) and (d) as the department considers necessary to efficiently administer this subsection, subject to such conditions as the department considers appropriate.

(g) Return to county departments under s. 46.215, 46.22 or 46.23 50% of collections made by the department for delinquent accounts previously delegated under par. (e) and then referred back to the department for collections.

SECTION 493. 301.08 (2) (d) 5. of the statutes is amended to read:

301.08 **(2)** (d) 5. Charge a uniform schedule of fees established under s. ~~46.03~~ 301.03 (18) unless waived by the purchaser with approval of the department. Whenever providers recover funds attributed to the client, the funds shall offset the amount paid under the contract.

SECTION 494. 301.12 of the statutes is repealed and recreated to read:

301.12 Cost of care and maintenance, liability; collection and deportation counsel; collections; court actions; recovery. (1) Liability and the collection and enforcement of such liability for the care, maintenance, services and supplies specified in this section is governed exclusively by this section, except in cases of child support ordered by a court under s. 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2) or ch. 767.

(2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person placed under s. 48.366, 938.183, 938.34 (4h) or (4m) or 938.357 (4) or (5) (e), receiving care, maintenance, services and supplies provided by any institution in this state operated or contracted for by the department, in which the state is chargeable with all or part of the person's care, maintenance, services and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services and supplies in accordance with the fee schedule established by the department under s. 301.03 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

(2m) The liability specified in sub. (2) shall not apply to persons 17 and older receiving care, maintenance, services and supplies provided by prisons named in s. 302.01.

(3) After investigation of the liable persons' ability to pay, the department shall make collection from the person who in the opinion of the department under all of the circumstances is best able to pay, giving due regard to relationship and the present needs of the person or of the lawful dependents. However, the liability of relatives for maintenance shall be in the following order: first, the spouse of the resident; then, in the case of a minor, the parent or parents.

(4) (a) If a person liable under sub. (2) fails to make payment or enter into or comply with an agreement for payment, the department may bring an action to enforce the liability or may issue an order to compel payment of the liability. Any person aggrieved by an order issued by the department under this paragraph may appeal the order as a contested case under ch. 227 by filing with the department a request for a hearing within 30 days after the date of the order.

(b) If judgment is rendered in an action brought under par. (a) for any balance that is 90 or more days past due, interest at the rate of 12% per year shall be computed by the clerk and added to the liable person's costs. That interest shall begin on the date on which payment was due and shall end on the day before the date of any interest that is computed under s. 814.04 (4).

(c) If the department issues an order to compel payment under par. (a), interest at the rate of 12% per year shall be computed by the department and added at the time of payment to the person's liability. That interest shall begin on the date on which payment was due and shall end on the day before the date of final payment.

(5) If any person named in an order to compel payment issued under sub. (4) (a) fails to pay the department any amount due under the terms of the order and no contested case to review the order is pending and the time for filing for a contested case review has expired, the department may present a certified copy of the order to the circuit court for any county. The circuit court shall, without notice, render judgment in accordance with the order. A judgment rendered under this subsection shall have the same effect and shall be entered in the judgment and lien docket and may be enforced in the same manner as if the judgment had been rendered in an action tried and determined by the circuit court.

(6) The sworn statement of the collection and deportation counsel, or of the secretary, shall be evidence of the fee and of the care and services received by the resident.

(7) The department shall administer and enforce this section. The department shall appoint an attorney to be designated "collection and deportation counsel" and other necessary assistants. The department may delegate to the collection and deportation counsel such other powers and duties as the department considers advisable. The collection and deportation counsel or any of the assistants may administer oaths, take affidavits and testimony, examine public records, subpoena witnesses and the production of books, papers, records, and documents material to any matter of proceeding relating to payments for the cost of maintenance. The department shall encourage agreements or settlements with the liable person, having

due regard to ability to pay and the present needs of lawful dependents.

(8) The department may do any of the following:

(a) Appear for the state in any collection and deportation matter arising in the several courts, and may commence suit in the name of the department to recover the cost of maintenance against the person liable for that cost.

(b) Determine whether any residents are subject to deportation; and on behalf of this state enter into reciprocal agreements with other states for deportation and importation of persons who are public charges, upon such terms as will protect the state's interests and promote mutually amicable relations with other states.

(c) From time to time investigate the financial condition and needs of persons liable under sub. (2), their ability to presently maintain themselves, the persons legally dependent upon them for support, the protection of the property and investments from which they derive their living and their care and protection, for the purpose of ascertaining the person's ability to make payment in whole or in part.

(d) After due regard to the case and to a spouse and minor children who are lawfully dependent on the property for support, compromise or waive any portion of any claim of the state or county for which a person specified under sub. (2) is liable, but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other 3rd party.

(e) Make an agreement with a person who is liable under sub. (2), or who may be willing to assume the cost of maintenance of any resident, providing for the payment of such costs at a specified rate or amount.

(f) Make adjustment and settlement with the several counties for their proper share of all moneys collected.

(i) Pay quarterly from the appropriation account under s. 20.410 (3) (gg) the collection moneys due county departments under ss. 46.215, 46.22 and 46.23. Payments shall be made as soon after the close of each quarter as is practicable.

(9) Any person who wilfully testifies falsely as to any material matter in an investigation or proceeding under this section shall be guilty of perjury. Banks, employers, insurers, savings banks, savings and loan associations, brokers and fiduciaries, upon request of the department, shall furnish in writing and duly certified, full information regarding the property, earnings or income or any funds deposited to the credit of or owing to any person liable under sub. (2). Such a certified statement shall be admissible in evidence in any action or proceeding to compel payment under this section, and shall be evidence of the facts stated in the certified statement, if a copy of the certified statement is served upon the party sought to be charged not less than 3 days before the hearing.

(10) The department shall make all reasonable and proper efforts to collect all claims for maintenance, to keep payments current, and to periodically review all unpaid claims.

(11) (a) Except as provided in par. (b), in any action to recover from a person liable under this section, the statute of limitations may be pleaded in defense.

(b) If a person who is liable under this section is deceased, a claim may be filed against the decedent's estate and the statute of limitations specified in s. 859.02 shall be exclusively applicable.

(14) (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17 years of age in residential, nonmedical facilities such as group homes, foster homes, treatment foster homes, child caring institutions and juvenile correctional institutions is determined in accordance with the cost−based fee established under s. 301.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd−party benefits, subject to rules which include formulas governing ability to pay promulgated by the department under s. 301.03 (18). Any liability of the resident not payable by any other person terminates when the resident reaches age 17, unless the liable person has prevented payment by any act or omission.

(b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 938.183, 938.355 or 938.357 in a residential, nonmedical facility such as a group home, foster home, treatment foster home, child caring institution or juvenile correctional institution shall be determined by the court by using the percentage standard established by the department of workforce development under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

(c) Upon request by a parent, the court may modify the amount of child support payments determined under par. (b), subject to par. (cm), if, after considering the following factors, the court finds by the greater weight of the credible evidence that the use of the percentage standard is unfair to the child or to either of the parents:

1. The needs of the child.

2. The physical, mental and emotional health needs of the child, including any costs for the child's health insurance provided by a parent.

3. The standard of living and circumstances of the parents, including the needs of each parent to support himself or herself at a level equal to or greater than that established under 42 USC 9902 (2).

4. The financial resources of the parents.

5. The earning capacity of each parent, based on each parent's education, training and work experience and

based on the availability of work in or near the parent's community.

6. The need and capacity of the child for education, including higher education.

7. The age of the child.

8. The financial resources and the earning ability of the child.

9. The needs of any person, including dependent children other than the child, whom either parent is legally obligated to support.

10. The best interests of the child, including, but not limited to, the importance of a placement that will promote the objectives specified in s. 938.01.

11. Any other factors that the court in each case determines are relevant.

(cm) 1. Except as provided in subd. 2., if a parent who is required to pay child support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the child for whom support is ordered, the amount of the child support payments determined under par. (b) or (c) may not exceed the amount of the adoption assistance payments.

2. Subdivision 1. does not apply if, after considering the factors under par. (c) 1. to 11., the court finds by the greater weight of the credible evidence that limiting the amount of the child support payments to the amount of the adoption assistance payments is unfair to the child or to either of the parents.

(d) If the court finds under par. (c) that use of the percentage standard is unfair to the minor child or either of the parents, the court shall state in writing or on the record the amount of support that would be required by using the percentage standard, the amount by which the court's order deviates from that amount, the court's reasons for finding that use of the percentage standard is unfair to the child or the parent, the court's reasons for the amount of the modification and the basis for the modification.

(e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2) for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108 and other money due or to be due in the future to the county department under s. 46.215, 46.22 or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

2. Except as provided in subd. 3., for each payment made under the assignment, the person from whom the payer under the order receives money shall receive an amount equal to the person's necessary disbursements, not to exceed $3, which shall be deducted from the money to be paid to the payer.

3. Benefits under ch. 108 may be assigned and withheld only in the manner provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 shall be for an amount certain. When money is to be withheld from these benefits, no fee may be deducted from the amount withheld and no fine may be levied for failure to withhold the money.

4. No employer may use an assignment under this paragraph as a basis for the denial of employment to a person, the discharge of an employe or any disciplinary action against an employe. An employer who denies employment or discharges or disciplines an employe in violation of this subdivision may be fined not more than $500 and may be required to make full restitution to the aggrieved person, including reinstatement and back pay. Except as provided in this subdivision, restitution shall be in accordance with s. 973.20. An aggrieved person may apply to the district attorney or to the department of workforce development for enforcement of this subdivision.

5. The department shall promulgate rules for the operation and implementation of assignments under this paragraph.

(f) If the amount of the child support determined under this subsection is greater than the cost for the care and maintenance of the minor child in the residential, nonmedical facility, the assignee under par. (e) 1. shall expend or otherwise dispose of any funds that are collected in excess of the cost of such care and maintenance in a manner that the assignee determines will serve the best interests of the minor child.

(g) For purposes of determining child support under par. (b), the department shall promulgate rules related to the application of the standard established by the department of workforce development under s. 49.22 (9) to a child support obligation for the care and maintenance of a child who is placed by a court order under s. 938.183, 938.355 or 938.357 in a residential, nonmedical facility. The rules shall take into account the needs of any person, including dependent children other than the child, whom either parent is legally obligated to support.

(16) The department shall delegate to county departments under ss. 46.215, 46.22 and 46.23 or the local providers of care and services meeting the standards established by the department under s. 301.08, the responsibilities vested in the department under this section for collection of fees for services other than those provided at state facilities if those county departments or providers meet the conditions considered appropriate by the department. The department may delegate to county departments under ss. 46.215, 46.22 and 46.23 the responsibilities vested in the department under this section for collection of fees for services provided at the state facilities if the necessary conditions are met.

SECTION 495. 301.26 (2) (b) of the statutes is amended to read:

301.26 **(2)** (b) Uniform fees collected or received by counties under s. ~~46.03~~ 301.03 (18) for services provided

under this section shall be applied to cover the cost of the services.

SECTION 496. 301.26 (4) (d) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

301.26 **(4)** (d) 1. Except as provided in pars. (e) to (g), for services under s. 938.34, all payments and deductions made under this subsection and uniform fee collections made under s. ~~46.03~~ 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (hm).

SECTION 497. 301.26 (4) (d) 1m. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

301.26 **(4)** (d) 1m. Except as provided in pars. (e) to (g), for services under ss. 48.366 and 938.183, all payments and deductions made under this subsection and uniform fee collections made under s. ~~46.03~~ 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (hm).

SECTION 498. 301.26 (4) (dt) of the statutes is amended to read:

301.26 **(4)** (dt) For serious juvenile offender services, all uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be ~~deposited in~~ credited to the appropriation account under s. 20.410 (3) (hm).

SECTION 499. 301.26 (4) (e) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

301.26 **(4)** (e) For foster care, treatment foster care, group home care and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all payments and deductions made under this subsection and uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 500. 301.26 (4) (ed) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

301.26 **(4)** (ed) For foster care, treatment foster care, group home care and institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 all uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 501. 301.26 (4) (eg) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

301.26 **(4)** (eg) For corrective sanctions services under s. 938.533 (2), all payments and deductions made under this subsection and uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (hr).

SECTION 502. 301.26 (4) (g) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

301.26 **(4)** (g) For juvenile field and institutional aftercare services under ch. 938 and for the office of juvenile offender review, all payments and deductions made under this subsection and uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be deposited in the general fund and shall be treated as a nonappropriated receipt.

SECTION 504. 301.45 (7) (a) of the statutes, as affected by 1995 Wisconsin Acts 440 and 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

301.45 **(7)** (a) The department shall maintain information provided under sub. (2). The department shall keep the information confidential except as provided in ~~s.~~ ss. 301.03 (14) and 301.46, except as needed for law enforcement purposes and except to provide, in response to a request for information under s. 49.22 (2m) made by the department of workforce development or a county child support agency under s. 59.53 (5), the name and address of an individual registered under this section, the name and address of the individual's employer and financial information related to the individual.

SECTION 505. 301.46 (4) (a) 5. of the statutes, as created by 1995 Wisconsin Act 440, is amended to read:

301.46 **(4)** (a) 5. A shelter care facility licensed under s. ~~48.48~~ 938.22.

SECTION 512b. 304.06 (1) (d) 1. of the statutes is amended to read:

304.06 **(1)** (d) 1. The notice under par. (c) shall inform the offices and persons under par. (c) 1. to 3. of the manner in which they may provide written statements under this subsection, shall inform persons under par. (c) 3. of the manner in which they may attend interviews or hearings and make statements under par. (eg) and shall inform persons under par. (c) 3. who are victims, or family members of victims, of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 of the manner in which they may have direct input in the parole decision–making process under par. (em). The parole commission shall provide notice under this paragraph for an inmate's first application for parole and, upon request, for subsequent applications for parole.

SECTION 512c. 304.06 (1) (d) 3g. of the statutes is created to read:

304.06 **(1)** (d) 3g. If applicable, the notice shall state the date of the interview or hearing that the person may attend.

SECTION 512d. 304.06 (1) (eg) of the statutes is created to read:

304.06 **(1)** (eg) The parole commission shall permit any person under par. (c) 3. to attend any interview or hearing on the parole application of an applicable inmate and to make a statement at that interview or hearing.

SECTION 512e. 304.06 (1) (f) of the statutes is amended to read:

304.06 **(1)** (f) The parole commission shall design and prepare cards for persons specified in par. (c) 3. to send to the commission. The cards shall have space for these persons to provide their names and addresses, the name of the applicable prisoner and any other information the parole commission determines is necessary. The parole commission shall provide the cards, without charge, to district attorneys. District attorneys shall pro-

vide the cards, without charge, to persons specified in par. (c) 3. These persons may send completed cards to the parole commission. All commission records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1). Before any written statement of a person specified in par. (c) 3. is made a part of the documentary record considered in connection with a parole hearing under this section, the parole commission shall obliterate from the statement all references to the mailing addresses of the person. A person specified in par. (c) 3. who attends an interview or hearing under par. (eg) may not be required to disclose at the interview or hearing his or her mailing addresses.

SECTION 512f. 341.10 (7r) of the statutes is created to read:

341.10 **(7r)** A city has notified the department under s. 345.285 (2) (b) 1. that one or more citations for nonmoving traffic violations have been issued against the applicant and the applicant has not paid the citations or appeared in court to respond to the citations.

SECTION 512fm. 341.135 of the statutes is created to read:

341.135 Rebasing registration plates. (1) DESIGN. The department shall establish new designs of registration plates to be issued under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), 341.25 (1) (a), (c), (h) and (j) and (2) (a), (b) and (c) and 341.26 (2) and (3) (a) 1. and (am). The design for registration plates issued for automobiles and for vehicles registered on the basis of gross weight shall comply with the applicable design requirements of ss. 341.12 (3), 341.13 and 341.14 (6r) (c). The designs for registration plates specified in this subsection shall be as similar in appearance as practicable.

(2) ISSUANCE. (a) Beginning with registrations effective on July 1, 2000, upon receipt of a completed application to initially register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), except s. 341.14 (6r) (f) 52., or s. 341.25 (1) (a), (c), (h) and (j) and (2) (a), (b) and (c) or 341.26 (2) and (3) (a) 1. and (am), the department shall issue and deliver prepaid to the applicant 2 new registration plates of the design established under sub. (1). Notwithstanding ss. 341.13 (3) and (3m), beginning with registrations effective on July 1, 2000, upon receipt of a completed application to renew the registration of a vehicle registered under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), except s. 341.14 (6r) (f) 52., or s. 341.25 (1) (a), (c), (h) and (j) and (2) (a), (b) and (c) for which a registration plate of the design established under sub. (1) has not been issued, the department may issue and deliver prepaid to the applicant 2 new registration plates of the design established under sub. (1).

Vetoed In Part

(b) Beginning with registrations effective on July 1, 2002, upon receipt of a completed application to renew the registration of a vehicle registered under s. 341.14 (6r) (f) 52., the department shall issue and deliver prepaid to the applicant 2 new registration plates of the design established under sub. (1).

(cm) Notwithstanding s. 341.14 (6r) (b) 2. and 3. and (8), the department may not charge any fee in addition to the fee required to register the vehicle for the issuance of a registration plate under this subsection if the vehicle was last previously issued a plate of the same type or representing the same special group as the plate issued under this subsection.

(d) The department may not issue new registration plates under this section for vehicles registered under ss. 341.14 (1) and (1r) and 341.27 (3) (a).

(e) The department shall issue new registration plates of the design established under sub. (1) for every vehicle registered under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), 341.25 (1) (a), (c), (h) and (j) and (2) (a), (b) and (c) and 341.26 (2) and (3) (a) 1. and (am) by July 1, 2003.

(3) SUNSET. This section does not apply after July 1, 2003.

SECTION 512fp. 341.26 (2g) of the statutes is created to read:

341.26 **(2g)** REBASING REGISTRATION PLATES. Notwithstanding s. 341.13 (3) and (3m), upon receipt of a completed application to renew the registration of a vehicle registered under s. 341.26 (2) and (3) (a) 1. and (am), the registration for which expires after June 30, 2000, and before January 1, 2004, the department shall issue and deliver prepaid to the applicant 2 new registration plates of the design established under s. 341.135 (1). The department may not charge any applicant any fee for the issuance of a registration plate under this subsection in addition to the fee required to register the vehicle. The department shall issue only one set of plates under this subsection for each vehicle registered under this section.

Vetoed In Part

SECTION 512g. 341.51 (4) (ar) of the statutes is created to read:

341.51 **(4)** (ar) If the applicant is not an individual, the person's federal employer identification number.

SECTION 512h. 341.51 (4g) of the statutes, as created by 1997 Wisconsin Act 191, is amended to read:

341.51 **(4g)** (a) The department shall deny an application for the issuance or renewal of registration if an individual has not included ~~his or her social security number~~ the information required under sub. (4) (am) or (ar) in the application.

(b) The department of transportation may not disclose ~~a social security number~~ any information obtained under sub. (4) (am) or (ar) to any person except to the department of workforce development for the sole purpose of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 512j. 341.51 (4m) of the statutes, as created by 1997 Wisconsin Act 191, is renumbered 341.51 (4m) (a).

SECTION 512k. 341.51 (4m) (b) of the statutes is created to read:

341.51 **(4m)** (b) A registration shall be suspended of revoked if the department of revenue certifies under s. 73.0301 that the registrant is liable for delinquent taxes. A registrant whose registration is suspended or revoked under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 512km. 342.12 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 199, is amended to read:

342.12 **(4)** (a) The district attorney shall notify the department when he or she files a criminal complaint against a person who has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions, suspensions or revocations ~~within a 10–year period~~, as counted under s. 343.307 (1). Except as provided under par. (c), the department may not issue a certificate of title transferring ownership of any motor vehicle owned by the person upon receipt of a notice under this subsection until the court assigned to hear the criminal complaint issues an order permitting the department to issue a certificate of title.

SECTION 512kp. 342.12 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 199, is amended to read:

342.12 **(4)** (b) Except as provided under par. (c), the department may not issue a certificate of title transferring ownership of any motor vehicle owned by a person upon receipt of a notice of intent to revoke the person's operating privilege under s. 343.305 (9) (a), if the person has 2 or more prior convictions, suspensions or revocations ~~within a 10–year period~~, as counted under s. 343.307 (1), until the court assigned to the hearing under s. 343.305 (9) issues an order permitting the department to issue a certificate of title.

SECTION 512kr. 342.12 (4) (c) 1. (intro.) of the statutes, as created by 1997 Wisconsin Act 199, is amended to read:

342.12 **(4)** (c) 1. (intro.) The department shall issue a certificate of title transferring ownership of a motor vehicle that was owned by a person who has received a notice of intent to revoke the person's operating privilege under s. 343.305 (9) (a) or has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions, suspensions or revocations ~~within a 10–year period~~, as counted under s. 343.307 (1), if all of the following conditions are met:

SECTION 512L. 343.05 (1) (a) of the statutes is amended to read:

343.05 **(1)** (a) Except as provided in this subsection, no person may at any time have more than one operator's license. This prohibition includes, without limitation, having licenses from more than one state, having licenses under more than one name or birthdate, having an occupational license without having surrendered the revoked or suspended license document, and having more than one license issued for the operation of different types or classes of vehicles. This paragraph does not apply to any person who has only operator's licenses issued by this state and by a country, province or subdivision that is a party to an agreement under s. 343.16 (1) (d).

SECTION 512m. 343.085 (2) (c) of the statutes is created to read:

343.085 **(2)** (c) Any person entitled to a regular license under an agreement entered into under s. 343.16 (1) (d) is exempt from this section.

SECTION 512n. 343.10 (5) (a) 3. of the statutes is amended to read:

343.10 **(5)** (a) 3. If the applicant has 2 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1), the occupational license of the applicant ~~may~~ shall restrict the applicant's operation under the occupational license to vehicles that are equipped with a functioning ignition interlock device ~~as provided~~ if the court has ordered under s. 346.65 (6) (a) 1. that a motor vehicle owned by the person be equipped with an ignition interlock device. A person to whom a restriction under this subdivision applies violates that restriction if he or she requests or permits another to blow into an ignition interlock device or to start a motor vehicle equipped with an ignition interlock device for the purpose of providing the person an operable motor vehicle without the necessity of first submitting a sample of his or her breath to analysis by the ignition interlock device. If the occupational license restricts the applicant's operation to a vehicle that is equipped with an ignition interlock device, the applicant shall be liable for the reasonable costs of equipping the vehicle with the ignition interlock device.

SECTION 512p. 343.16 (1) (d) of the statutes is created to read:

343.16 **(1)** (d) *Foreign license reciprocity.* The chief administrator of the division of motor vehicles may, with the appropriate official of another country or of a province or other subdivision of another country, enter into a reciprocal agreement under which this state and the other country, province or other subdivision agree to waive any knowledge test and driving skills test of an applicant for an operator's license to operate "Class D" vehicles, as described in s. 343.04 (1) (d), or "Class M" vehicles, as described in s. 343.04 (1) (e), or both, if the applicant possesses a valid license to operate those vehicles, other than an instructional permit, issued by this state or the other country, province or other subdivision. The chief administrator may enter into an agreement under this paragraph only if the criteria for any knowledge test and driving skills test required by the other country, province or other subdivision for those types of vehicles are at least as strin-

gent as the requirements of this state. The agreement shall specify all of the following:

1. That the department will issue a regular license, as described in s. 343.03 (3) (a), to any person moving to this state who has been licensed by the other country, province or other subdivision for at least 3 years, who presently holds a license to operate that type of vehicle, other than an instructional permit, from the other country, province or other subdivision and who is at least 21 years of age. Notwithstanding s. 343.03 (3) (a), a regular license issued under this subdivision may be endorsed to permit operation of Type 1 motorcycles, but may not be endorsed to permit operation of school buses. The department shall issue a probationary license under s. 343.085 to any other applicant who holds a valid operator's license issued by the other country, province or other subdivision.

2. That whenever the secretary has good cause to believe that an operator licensed under an agreement entered into under this paragraph is incompetent or otherwise not qualified to be licensed, the secretary may, upon written notice of at least 5 days to the licensee, require the licensee to submit to an examination including all or part of the tests specified in par. (a). Upon the conclusion of such examination the secretary shall take such action as is appropriate under this chapter, including cancellation of the license or permitting the licensee to retain the license subject to such restrictions as the secretary may order or without restrictions.

3. That the other country, province or other subdivision will treat operators licensed by this state similarly to how this state will treat operators licensed by the other country, province or other subdivision.

SECTION 512t. 343.20 (1) (e) 3. of the statutes is created to read:

343.20 **(1)** (e) 3. The person is entitled to a regular license under an agreement entered into under s. 343.16 (1) (d).

SECTION 512tm. 343.23 (2) (b) of the statutes, as affected by 1995 Wisconsin Act 184, is amended to read:

343.23 **(2)** (b) The information specified in par. (a) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled or withheld in the interest of public safety. The record of suspensions, revocations and convictions that would be counted under s. 343.307 (2) ~~and~~ shall be maintained for 10 years, except that if there are 2 or more suspensions, revocations or convictions within any 10−year period, the record shall be maintained permanently. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension or revocation granted under s. 343.32 (2) may consider only those reports and records entered during the 4−year period immediately preceding the exercise of such power of suspension or revocation.

SECTION 512tp. 343.237 (3) (intro.) of the statutes, as created by 1997 Wisconsin Act 119, is amended to read:

343.237 **(3)** (intro.) The department shall provide a Wisconsin law enforcement agency with a copy of a photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3) or 343.50 (4) if the department receives a written request on the Wisconsin law enforcement agency's letterhead that contains all of the following:

SECTION 512u. 343.30 (1q) (b) 3. of the statutes is amended to read:

343.30 **(1q)** (b) 3. Except as provided in subd. 4m., if the number of convictions, suspensions and revocations within a ~~5−year~~ 10−year period equals 2, the court shall revoke the person's operating privilege for not less than one year nor more than 18 months. After the first 60 days of the revocation period, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

SECTION 512w. 343.30 (1q) (b) 4. of the statutes is amended to read:

343.30 **(1q)** (b) 4. Except as provided in subd. 4m., if the number of convictions, suspensions and revocations ~~within a 10−year period~~ equals 3 or more, the court shall revoke the person's operating privilege for not less than 2 years nor more than 3 years. After the first 90 days of the revocation period, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

SECTION 512x. 343.30 (1q) (b) 5. of the statutes is amended to read:

343.30 **(1q)** (b) 5. The ~~5−year or 10−year~~ time period under this paragraph shall be measured from the dates of the refusals or violations which resulted in the suspensions, revocations or convictions.

SECTION 513c. 343.305 (6) (e) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

343.305 **(6)** (e) 1. In this paragraph, "licensor" means the department of health and family services or, with

respect to permits issued under par. (b) 4., the department of transportation.

2. In addition to any other information required by the licensor, an application for a permit or laboratory approval under this subsection shall include the following:

a. In the case of an individual, the individual's social security number.

b. In the case of a person who is not an individual, the person's federal employer identification number.

3. a. The licensor shall deny an application for the issuance or, if applicable, renewal of a permit or laboratory approval if the information required under subd. 2. a. or b. is not included in the application.

b. The licensor may not disclose any information received under subd. 2. a. or b. except to the department of industry, labor and job development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

4. A permit under this subsection shall be denied, restricted, limited or suspended if the applicant or licensee is an individual who is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857.

5. If the licensor is the department of health and family services, the department of health and family services shall deny an application for the issuance or renewal of a permit or laboratory approval, or revoke a permit or laboratory approval already issued, if the department of revenue certifies under s. 73.0301 that the applicant or holder of the permit or laboratory approval is liable for delinquent taxes. An applicant for whom a permit or laboratory approval is not issued or renewed, or an individual or laboratory whose permit or laboratory approval is revoked, under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subsection.

SECTION 513d. 343.305 (10) (b) 3. of the statutes is amended to read:

343.305 **(10)** (b) 3. Except as provided in subd. 4m., if the number of convictions, suspensions and revocations ~~in a 5−year~~ within a 10−year period equals 2, the court shall revoke the person's operating privilege for 2 years. After the first 90 days of the revocation period, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan.

SECTION 513e. 343.305 (10) (b) 4. of the statutes is amended to read:

343.305 **(10)** (b) 4. Except as provided in subd. 4m., if the number of convictions, suspensions and revocations ~~in a 10−year period~~ equals 3 or more, the court shall revoke the person's operating privilege for 3 years. After the first 120 days of the revocation period, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan.

SECTION 513f. 343.305 (10) (b) 5. of the statutes is amended to read:

343.305 **(10)** (b) 5. The ~~5−year or 10−year~~ time period under this paragraph shall be measured from the dates of the refusals or violations which resulted in revocations or convictions.

SECTION 513h. 343.305 (10m) of the statutes is amended to read:

343.305 **(10m)** REFUSALS; SEIZURE, IMMOBILIZATION OR IGNITION INTERLOCK OF A MOTOR VEHICLE. If the person whose operating privilege is revoked under sub. (10) has 2 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1), ~~within a 10−year period,~~ the procedure under s. 346.65 (6) shall be followed regarding the immobilization or seizure and forfeiture of a motor vehicle owned by the person or the equipping of a motor vehicle owned by the person with an ignition interlock device.

SECTION 513k. 343.31 (3) (bm) 3. of the statutes is amended to read:

343.31 **(3)** (bm) 3. Except as provided in subd. 4m., if the number of suspensions, revocations and convictions within a ~~5−year~~ 10−year period equals 2, the department shall revoke the person's operating privilege for not less than one year nor more than 18 months. If an Indian tribal court in this state revokes the person's privilege to operate a motor vehicle on tribal lands for not less than one year nor more than 18 months for the conviction specified in par. (bm) (intro.), the department shall impose the same period of revocation. After the first 60 days of the revocation period, the person is eligible for an occupational license under s. 343.10.

SECTION 513m. 343.31 (3) (bm) 4. of the statutes is amended to read:

343.31 **(3)** (bm) 4. Except as provided in subd. 4m., if the number of suspensions, revocations and convictions ~~within a 10−year period~~ equals 3 or more, the department shall revoke the person's operating privilege for not less than 2 years nor more than 3 years. If an Indian tribal court in this state revokes the person's privilege to operate a motor vehicle on tribal lands for not less than 2 years nor more than 3 years for the conviction specified in par. (bm) (intro.), the department shall impose the same period of revocation. After the first 90 days of the revocation period, the person is eligible for an occupational license under s. 343.10.

SECTION 513n. 343.31 (3) (bm) 5. of the statutes is amended to read:

343.31 **(3)** (bm) 5. The ~~5−year or 10−year~~ time period under this paragraph shall be measured from the dates of

the refusals or violations which resulted in the suspensions, revocations or convictions.

SECTION 514m. 343.61 (2) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

343.61 **(2)** (a) Application for a driver school license shall be made in the form and manner prescribed by the department, shall contain such information as is required by the department and shall be accompanied by the required fee. An application shall include the following:

1. In the case of an individual, the individual's social security number.

2. In the case of a person who is not an individual, the person's federal employer identification number.

(b) The department of transportation may not disclose any information received under par. (a) 1. or 2. to any person except to the department of industry, labor and job development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

SECTION 518m. 343.62 (2) (b) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

343.62 **(2)** (b) The department of transportation may not disclose a social security number obtained under par. (a) to any person except to the department of workforce development for the sole purpose of administering s. 49.22 <u>or the department of revenue for the sole purpose of requesting certifications under s. 73.0301</u>.

SECTION 520m. 343.64 (2) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

343.64 **(2)** The secretary shall deny the application of any person for a driver school license if the applicant fails to provide the information required under s. 343.61 (2) (a) 1. or 2.

SECTION 524g. 343.665 (title) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

343.665 (title) **~~Denial, restriction~~ <u>Restriction</u>, limitation ~~or~~, suspension <u>or revocation</u> of driver school license.**

SECTION 524j. 343.665 of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 343.665 (1).

SECTION 524m. 343.665 (2) of the statutes is created to read:

343.665 **(2)** The secretary shall suspend or revoke a driver school license issued under s. 343.61, if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose driver school license is suspended or revoked under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subchapter.

SECTION 525g. 343.675 (title) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

343.675 (title) **~~Denial, restriction~~ <u>Restriction</u>, limitation ~~or~~, suspension <u>or revocation</u> of instructor's license.**

SECTION 525j. 343.675 of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 343.675 (1).

SECTION 525m. 343.675 (2) of the statutes is created to read:

343.675 **(2)** The secretary shall suspend or revoke an instructor's license issued under s. 343.62, if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose instructor's license is suspended or revoked under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subchapter.

SECTION 527b. 343.69 of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

343.69 Hearings on license denials and revocations. Before the department denies an application for a driver school license or instructor's license or revokes any such license, the department shall notify the applicant or licensee of the pending action and that the division of hearings and appeals will hold a hearing on the pending denial or revocation. The division of hearings and appeals shall send notice of the hearing by registered or certified mail to the last−known address of the licensee or applicant, at least 10 days prior to the date of the hearing. This section does not apply to denials ~~of applications~~ <u>or revocations</u> of licenses under s. 343.665 or 343.675.

SECTION 527e. 345.26 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Acts 27 and 135, is amended to read:

345.26 **(1)** (b) 1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation, and the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement assessment, if required by s. <u>346.177,</u> 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if required by s. 165.755, plus any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit that the court may accept as provided in s. 345.37; and

SECTION 527em. 345.28 (4) (i) of the statutes is created to read:

345.28 **(4)** (i) Notwithstanding any other provision of this subsection or ss. 341.10 (7m) and 341.63 (1) (c), the department may permit an authority to send a single notice to the department under par. (a) 1. with respect to

2 or more citations that have been issued to a person and remain unpaid and, if an authority sends a notice specified in this paragraph to the department, the authority and department shall treat any such notice for purposes of any other provision of this section or ss. 341.10 (7m) and 341.63 (1) (c) in the same manner as a notice to the department under par. (a) 1. with respect to a single citation.

SECTION 527ep. 345.285 of the statutes is created to read:

345.285 Alternative traffic violation and registration pilot program. (1) The department may administer an alternative traffic violation and registration pilot program. Any pilot program under this section shall provide alternative methods of suspending and refusing vehicle registrations for unpaid citations for nonmoving traffic violations in lieu of applicable requirements of s. 345.28.

(2) The department may contract with a city of the 1st class to permit the city to suspend vehicle registrations for unpaid citations for nonmoving traffic violations. The department may not enter into a contract under this subsection after June 30, 2001. A contract under this subsection shall include all of the following provisions:

(a) The city may suspend the registration of a vehicle if all of the following apply:

1. The city has cited the owner of the vehicle for one or more nonmoving traffic violations for which the owner has neither paid the forfeitures nor appeared in court in response to the violations.

2. The city has mailed to the last–known address of the owner at least 2 notices that meet the requirements of s. 345.28 (4) (c) with respect to each citation counted under subd. 1.

3. The owner has not, by the date specified in the last issued citation that is counted under subd. 1. or, if no date is specified in that citation, within 28 days after the citation is issued, either paid all forfeitures or appeared in court in response to all citations counted under subd. 1. for which the forfeitures have not been paid.

(b) If the city suspends the registration of a vehicle under par. (a), all of the following apply:

1. The city may notify the department to refuse the registration of any vehicle owned by the person under s. 341.10 (7r).

2. The city shall remove the suspension of the vehicle's registration under par. (a) if the owner of the vehicle either pays all forfeitures or appears in court in response to all citations counted under par. (a) 1. for which the forfeitures have not been paid. If a suspension is removed under this subdivision, the department shall be immediately notified in the form and manner prescribed by the department.

(c) Provisions that specify the responsibilities of the department and of the city with respect to the pilot program, the procedures for record and transaction security, and any fee that the city may assess the owner of a vehicle whose registration is suspended under par. (a).

(d) Notwithstanding s. 85.13, the department shall charge the city a fee for the cost of the development and operation of the pilot program under this section. The fee shall ensure that payments by the city to the department under this paragraph and s. 85.13 are not less than payments made by the city to the department under s. 85.13 before the effective date of this paragraph .... [revisor inserts date], for comparable periods of time. The department may periodically adjust this fee accordingly or, in lieu of adjusting the fee, may terminate the contract.

(e) The city may enact and enforce an ordinance that strictly conforms to s. 341.03, except that the ordinance shall apply to motor vehicles whose registration is suspended under par. (a).

(f) The city may not suspend vehicle registrations under this section after June 30, 2001.

SECTION 527f. 345.37 (2) of the statutes, as affected by 1997 Wisconsin Acts 27 and 135, is amended to read:

345.37 **(2)** If the defendant has made a deposit under s. 345.26, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if required by s. 165.755, plus costs, including any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons under ch. 968. If the defendant fails to appear in response to the summons, the court shall issue a warrant under ch. 968. If the court accepts the plea of no contest, the defendant may move within 6 months after the date set for the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty upon a showing to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If on reopening the defendant is found not guilty, the court shall immediately notify the department to delete the record of conviction based on the original proceeding and shall order the defendant's deposit returned.

SECTION 527g. 345.37 (5) of the statutes, as affected by 1997 Wisconsin Acts 27 and 135, is amended to read:

345.37 **(5)** Within 5 working days after forfeiture of deposit or entry of default judgment, the official receiving the forfeiture, the penalty assessment, if required by s. 165.87, the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if required by s. 165.755, shall forward to the department a certification of the entry of default judgment or a judgment of forfeiture.

SECTION 527h. 345.47 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Acts 27 and 135, is amended to read:

345.47 **(1)** (intro.) If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture, penalty assessment, if required by s. 165.87, the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if required by s. 165.755, provided for the violation and for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under s. 343.30. If the judgment is not paid, the court shall order:

SECTION 527j. 345.47 (1) (b) of the statutes, as affected by 1997 Wisconsin Acts 27 and 135, is amended to read:

345.47 **(1)** (b) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant's operating privilege be suspended for 30 days or until the person pays the forfeiture, the penalty assessment, if required by s. 165.87, the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if required by s. 165.755, but not to exceed 5 years. Suspension under this paragraph shall not affect the power of the court to suspend or revoke under s. 343.30 or the power of the secretary to suspend or revoke the operating privilege.

SECTION 527k. 345.47 (1) (c) of the statutes, as affected by 1997 Wisconsin Acts 27 and 135, is amended to read:

345.47 **(1)** (c) If a court or judge suspends an operating privilege under this section, the court or judge shall immediately take possession of the suspended license and shall forward it to the department together with the notice of suspension, which shall clearly state that the suspension was for failure to pay a forfeiture, a penalty assessment, if required by s. 165.87, a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if required by s. 165.755, imposed by the court. The notice of suspension and the suspended license, if it is available, shall be forwarded to the department within 48 hours after the order of suspension. If the forfeiture, penalty assessment, jail assessment, railroad crossing improvement assessment and crime laboratories and drug law enforcement assessment are paid during a period of suspension, the court or judge shall immediately notify the department. Upon receipt of the notice and payment of the reinstatement fee under s. 343.21 (1) (j), the department shall return the surrendered license.

SECTION 527m. 345.49 (1) of the statutes, as affected by 1997 Wisconsin Acts 27 and 135, is amended to read:

345.49 **(1)** Any person imprisoned under s. 345.47 for nonpayment of a forfeiture, a penalty assessment, if required by s. 165.87, a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), or a crime laboratories and drug law enforcement assessment, if required by s. 165.755, may, on request, be allowed to work under s. 303.08. If the person does work, earnings shall be applied on the unpaid forfeiture, penalty assessment, jail assessment, railroad crossing improvement assessment or crime laboratories and drug law enforcement assessment after payment of personal board and expenses and support of personal dependents to the extent directed by the court.

SECTION 527n. 345.61 (2) (c) of the statutes, as affected by 1997 Wisconsin Acts 27 and 135, is amended to read:

345.61 **(2)** (c) "Guaranteed arrest bond certificate" as used in this section means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insureds and contains a printed statement that the automobile club, association or insurance company and a surety company, or an insurance company authorized to transact both automobile liability insurance and surety business, guarantee the appearance of the persons whose signature appears on the card or certificate and that they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person, including the penalty assessment required by s. 165.87, the jail assessment required by s. 302.46 (1), the railroad crossing improvement assessment required by s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug law enforcement assessment required by s. 165.755, in an amount not exceeding $200, or $1,000 as provided in sub. (1) (b).

SECTION 527p. 346.17 (2) of the statutes is amended to read:

346.17 **(2)** Any person violating ss. 346.05, 346.07 (2) or (3), 346.08 ~~to~~, 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to forfeit not less than $30 nor more than $300.

SECTION 527r. 346.17 (2m) of the statutes is created to read:

346.17 **(2m)** Any person violating s. 346.10 (1) shall forfeit not less than $60 nor more than $600.

SECTION 527rm. 346.177 of the statutes is created to read:

346.177 Railroad crossing improvement assessment for vehicles illegally passing at railroad crossings. (1) Whenever a court imposes a forfeiture under s. 346.17 (2m) for a violation of s. 346.10 (1), the court

shall also impose a railroad crossing improvement assessment equal to 50% of the amount of the forfeiture.

(2) If a forfeiture is suspended in whole or in part, the railroad crossing improvement assessment shall be reduced in proportion to the suspension.

(3) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the railroad crossing improvement assessment under this section. If the deposit is forfeited, the amount of the railroad crossing improvement assessment shall be transmitted to the state treasurer under sub. (4). If the deposit is returned, the amount of the railroad crossing improvement assessment shall also be returned.

(4) The clerk of the circuit court shall collect and transmit to the county treasurer the railroad crossing improvement assessment as required under s. 59.40 (2) (m). The county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this subsection in the transportation fund to be appropriated under s. 20.395 (2) (gj).

SECTION 527s. 346.49 (1) (a) and (b) of the statutes are amended to read:

346.49 **(1)** (a) Unless otherwise provided in par. (b) or (c), any person violating s. 346.46 (1), (2m) or (4) or 346.47 may be required to forfeit not less than $20 nor more than $40 for the first offense and not less than $50 nor more than $100 for the 2nd or subsequent conviction within a year.

(b) Any operator of a bicycle violating s. 346.46 (1), (2m) or (4) may be required to forfeit not more than $20.

SECTION 527t. 346.49 (1g) of the statutes is created to read:

346.49 **(1g)** (a) Unless otherwise provided in par. (b), any person violating s. 346.46 (3) shall forfeit not less than $40 nor more than $80 for the first offense and not less than $100 nor more than $200 for the 2nd or subsequent conviction within a year.

(b) Any operator of a bicycle violating s. 346.46 (3) shall forfeit not more than $40.

SECTION 527v. 346.49 (2) of the statutes, as affected by 1997 Wisconsin Act 135, is amended to read:

346.49 **(2)** Any person violating s. ~~346.45,~~ 346.455 or 346.48 may be required to forfeit not less than $30 nor more than $300.

SECTION 527w. 346.49 (2m) (am) of the statutes is created to read:

346.49 **(2m)** (am) Any person violating s. 346.45 shall forfeit not less than $60 nor more than $600.

SECTION 527wm. 346.49 (2m) (b) of the statutes, as affected by 1997 Wisconsin Act 135, is amended to read:

346.49 **(2m)** (b) Any operator of a bicycle violating s. 346.44 may be required to forfeit not more than ~~$20~~ $40.

SECTION 527x. 346.495 (1) of the statutes, as created by 1997 Wisconsin Act 135, is amended to read:

346.495 **(1)** If a court imposes a forfeiture under s. 346.49 (1g) or (2m) (a), (am) or (b) for a violation of s. 346.44, 346.45 or 346.46 (3), the court shall also impose a railroad crossing improvement assessment equal to 50% of the amount of the forfeiture.

SECTION 527yg. 346.65 (2) (b) of the statutes is amended to read:

346.65 **(2)** (b) Except as provided in par. (f), shall be fined not less than $300 nor more than $1,000 and imprisoned for not less than 5 days nor more than 6 months if the total number of suspensions, revocations and convictions counted under s. 343.307 (1) equals 2 ~~in a 5-year~~ within a 10-year period. Suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 527yh. 346.65 (2) (c) of the statutes is amended to read:

346.65 **(2)** (c) Except as provided in par. (f), shall be fined not less than $600 nor more than $2,000 and imprisoned for not less than 30 days nor more than one year in the county jail if the total number of suspensions, revocations and convictions counted under s. 343.307 (1) equals 3 ~~in a 10-year period~~, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 527yj. 346.65 (2) (d) of the statutes is amended to read:

346.65 **(2)** (d) Except as provided in par. (f), shall be fined not less than $600 nor more than $2,000 and imprisoned for not less than 60 days nor more than one-year in the county jail if the total number of suspensions, revocations and convictions counted under s. 343.307 (1) equals 4 ~~in a 10-year period~~, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 527yk. 346.65 (2) (e) of the statutes is amended to read:

346.65 **(2)** (e) Except as provided in par. (f), shall be fined not less than $600 nor more than $2,000 and imprisoned for not less than 6 months nor more than ~~one year in the county jail~~ 5 years if the total number of suspensions, revocations and convictions counted under s. 343.307 (1) equals 5 or more ~~in a 10-year period~~, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 527ym. 346.65 (2c) of the statutes is amended to read:

346.65 **(2c)** In sub. (2) (b) to (e), the ~~5-year or 10-year~~ time period shall be measured from the dates of the refusals or violations that resulted in the revocation or convictions. If a person has a suspension, revocation or conviction for any offense under a local ordinance or a

state statute of another state that would be counted under s. 343.307 (1), that suspension, revocation or conviction shall count as a prior suspension, revocation or conviction under sub. (2) (b) to (e).

SECTION 527yp. 346.65 (2j) (b) of the statutes is amended to read:

346.65 **(2j)** (b) Except as provided in par. (d), shall be fined not less than $300 nor more than $1,000 and imprisoned for not less than 5 days nor more than 6 months if the total of prior convictions, suspension and revocations counted under s. 343.307 (2) equals 2 ~~in a 5−year~~ within a 10−year period.

SECTION 527yq. 346.65 (2j) (c) of the statutes is amended to read:

346.65 **(2j)** (c) Except as provided in par. (d), shall be fined not less than $600 nor more than $2,000 and imprisoned for not less than 30 days nor more than one year in the county jail if the total of prior convictions, suspensions and revocations counted under s. 343.307 (2) equals 3 or more ~~in a 10−year period~~.

SECTION 527ys. 346.65 (2w) of the statutes is amended to read:

346.65 **(2w)** In determining the number of prior convictions for purposes of sub. (2j), the court shall count suspensions, revocations and convictions that would be counted under s. 343.307 (2). Revocations, suspensions and convictions arising out of the same incident or occurrence shall be counted as one. The ~~5−year or 10−year~~ time period shall be measured from the dates of the refusals or violations which resulted in the revocation, suspension or convictions. If a person has a suspension, revocation or conviction for any offense that is counted under s. 343.307 (2), that suspension, revocation or conviction shall count as a prior suspension, revocation or conviction under this section.

SECTION 527yu. 346.65 (6) (a) 1. of the statutes is amended to read:

346.65 **(6)** (a) 1. Except as provided in this paragraph, the court may order a law enforcement officer to seize a motor vehicle, or, if the motor vehicle is not ordered seized, shall order a law enforcement officer to equip the motor vehicle with an ignition interlock device or immobilize any motor vehicle owned by the person whose operating privilege is revoked under s. 343.305 (10) or who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) or (b) or 940.25 (1) (a) or (b) if the person whose operating privilege is revoked under s. 343.305 (10) or who is convicted of the violation has 2 prior suspensions, revocations or convictions ~~within a 10−year period~~ that would be counted under s. 343.307 (1). The court shall not order a motor vehicle equipped with an ignition interlock device or immobilized if that would result in undue hardship or extreme inconvenience or would endanger the health and safety of a person.

SECTION 527yv. 346.65 (6) (a) 2. of the statutes is amended to read:

346.65 **(6)** (a) 2. The court shall order a law enforcement officer to seize a motor vehicle owned by a person whose operating privilege is revoked under s. 343.305 (10) or who commits a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) or (b) or 940.25 (1) (a) or (b) if the person whose operating privilege is revoked under s. 343.305 (10) or who is convicted of the violation has 3 or more prior suspensions, revocations or convictions ~~within a 10−year period~~ that would be counted under s. 343.307 (1).

SECTION 527yw. 346.65 (6) (a) 2m. of the statutes is amended to read:

346.65 **(6)** (a) 2m. A person who owns a motor vehicle subject to seizure, equipping with an ignition interlock device or immobilization under this paragraph shall surrender to the clerk of circuit court the certificate of title issued under ch. 342 for every motor vehicle owned by the person. The person shall comply with this subdivision within 5 working days after receiving notification of this requirement from the district attorney. When a district attorney receives a copy of a notice of intent to revoke the operating privilege under s. 343.305 (9) (a) of a person who has 2 or more convictions, suspensions or revocations ~~within a 5−year period~~, as counted under s. 343.307 (1), or when a district attorney notifies the department of the filing of a criminal complaint against a person under s. 342.12 (4) (a), the district attorney shall notify the person of the requirement to surrender all certificates of title to the clerk of circuit court. The notification shall include the time limits for that surrender, the penalty for failure to comply with the requirement and the address of the clerk of circuit court. The clerk of circuit court shall promptly return each certificate of title surrendered to the clerk of circuit court under this subdivision after stamping the certificate of title with the notation "Per section 346.65 (6) of the Wisconsin statutes, ownership of this motor vehicle may not be transferred without prior court approval". Any person failing to surrender a certificate of title as required under this subdivision shall forfeit not more than $500.

SECTION 527yx. 346.65 (6) (d) of the statutes is amended to read:

346.65 **(6)** (d) At the hearing set under par. (c), the state has the burden of proving to a reasonable certainty by the greater weight of the credible evidence that the motor vehicle is a motor vehicle owned by a person who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) or (b) or 940.25 (1) (a) or (b) and, if the seizure is under par. (a) 1., that the person had 2 prior convictions, suspensions or revocations ~~within a 10−year period~~, as counted under s. 343.307 (1) or, if the seizure is under par. (a) 2., 3 or more prior convictions, suspensions or revocations ~~within a 10−year period~~, as

counted under s. 343.307 (1). If the ~~owner of the motor vehicle proves by a preponderance of the evidence that he or she was not convicted of a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) or (b) or 940.25 (1) (a) or (b), or, if the seizure is under par. (a) 1., that he or she did not have 2 prior convictions, suspensions or revocations within a 10–year period as counted under s. 343.307 (1) or, if the seizure is under par. (a) 2., 3 or more prior convictions, suspensions or revocations within a 10–year period as counted under s. 343.307 (1)~~ state fails to meet the burden of proof required under this paragraph, the motor vehicle shall be returned to the owner upon the payment of storage costs.

SECTION 528. 348.27 (9m) (a) 3. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

348.27 **(9m)** (a) 3. Bulk potatoes from storage facilities to food processing facilities in vehicles or vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit under this subdivision is not valid on ~~USH 51 between STH 64 near Merrill and STH 29 south of Wausau in Lincoln and Marathon counties, and on I 39 between STH 29 south of Wausau and the I 90/94 interchange near Portage in Marathon, Portage, Waushara, Marquette and Columbia counties~~ highways designated as part of the national system of interstate and defense highways, except to the extent permitted by federal law without any loss or reduction of federal aid or other sanction.

SECTION 529. 350.12 (3j) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

350.12 **(3j)** (b) The fee for a trail use sticker issued for a snowmobile that is exempt from registration under sub. (2) (b) or (bn) is ~~$10~~ $12.25. A trail use sticker issued for such a snowmobile may be issued only by the department and persons appointed by the department and is valid for one year.

SECTION 530. 350.12 (3j) (e) of the statutes is created to read:

350.12 **(3j)** (e) 1. The department may appoint any person who is not an employe of the department as the department's agent to issue trail use stickers and collect the fees for these stickers.

2. Any person, including the department, who issues a trail use sticker shall collect in addition to the fee under par. (b) an issuing fee of 75 cents. The agent may retain 50 cents of the issuing fee to compensate the agent for the agent's services in issuing the sticker.

3. The department shall establish by rule, procedures for issuing trail use stickers, and the department may promulgate rules regulating the activities of persons who are authorized to be agents under this paragraph.

SECTION 531. 350.12 (3m) (a) of the statutes is amended to read:

350.12 **(3m)** (a) *Deposited in the conservation fund.* All moneys that are collected under this section and that are not issuing fees retained by agents appointed by the department shall be deposited in the conservation fund and credited to the snowmobile account established under s. 25.29 (1m).

SECTION 531g. 350.12 (4) (b) 1. of the statutes is amended to read:

350.12 **(4)** (b) 1. State aids and funds for maintenance costs shall be 100% of the actual cost of maintaining the trail per year up to a ~~$200~~ $250 per mile per year maximum, except as provided in pars. (bg) to (br). Qualifying trails are trails approved by the board as snowmobile trails. State aid for development may equal 100% of development expenses. Aids for major reconstruction or rehabilitation projects to improve bridges may equal 100% of eligible costs. Aids for trail rehabilitation may equal 100% of eligible costs. Development shall begin the same year the land is acquired. Moneys available for development shall be distributed on a 100% grant basis, 75% at the time of approval but no later than January 1 and 25% upon completion of the project. A county application may include a request for development, rehabilitation or maintenance of trails, or any combination thereof. Trail routes, sizes and specifications shall be prescribed only by the board.

SECTION 531r. 350.12 (4) (bm) 1. of the statutes is amended to read:

350.12 **(4)** (bm) 1. The actual cost incurred by the department or the county in maintaining its trails that are qualified under par. (b) 1. or 4. in the previous fiscal year exceeds the maximum of ~~$200~~ $250 per mile per year under par. (b) 1.

SECTION 532. 440.01 (2) (cm) of the statutes is renumbered 73.0301 (1) (c) and amended to read:

73.0301 **(1)** (c) "Liable for delinquent taxes" means that a person has ~~been finally determined to be delinquent in the payment of~~ exhausted all legal remedies to challenge the assertion that the person owes taxes, including penalties, interest, fees and costs, under ch. 71, 72, 76, 77, 78, 125 or 139 and sufficient time has elapsed so that the person ~~remains~~ is delinquent in the payment of those taxes ~~at the time the department requests a certification under s. 440.08 (2r) of liability for delinquent taxes~~.

SECTION 533r. 440.03 (11m) of the statutes, as created by 1997 Wisconsin Act 231, is repealed.

SECTION 534. 440.03 (12) of the statutes is repealed.

SECTION 534g. 440.035 (5) of the statutes, as created by 1997 Wisconsin Act .... (1997 Senate Bill 494), is repealed.

SECTION 537. 440.08 (2r) of the statutes is repealed.

SECTION 537m. 440.08 (4) (a) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

440.08 **(4)** (a) *Generally.* If the department or the interested examining board or affiliated credentialing board, as appropriate, determines that an applicant for renewal has failed to comply with sub. (2) (c) or (3) or with

any other applicable requirement for renewal established under chs. 440 to 480 or that the denial of an application for renewal of a credential is necessary to protect the public health, safety or welfare, the department, examining board or affiliated credentialing board may summarily deny the application for renewal by mailing to the holder of the credential a notice of denial that includes a statement of the facts or conduct that warrant the denial and a notice that the holder may, within 30 days after the date on which the notice of denial is mailed, file a written request with the department to have the denial reviewed at a hearing before the department, if the department issued the credential, or before the examining board or affiliated credentialing board that issued the credential. ~~This paragraph does not apply to a denial of an application for credential renewal under s. 440.13 (2) (b).~~

SECTION 538. 440.08 (4) (b) of the statutes is repealed and recreated to read:

440.08 **(4)** (b) *Applicability.* This subsection does not apply to a denial of a credential renewal under s. 440.12 or 440.13 (2) (b).

SECTION 539. 440.12 of the statutes is created to read:

440.12 Credential denial, nonrenewal and revocation based on tax delinquency. Notwithstanding any other provision of chs. 440 to 480 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential if the department of revenue certifies under s. 73.0301 that the applicant or credential holder is liable for delinquent taxes, as defined in s. 73.0301 (1) (c).

SECTION 539m. 440.13 (1) (a) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 440.01 (2) (bm).

SECTION 540. 441.07 (2) of the statutes is amended to read:

441.07 **(2)** The board may reinstate a revoked license, no earlier than one year following revocation, upon receipt of an application for reinstatement. <u>This subsection does not apply to a license that is revoked under s. 440.12.</u>

SECTION 541m. 442.12 (7) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

442.12 **(7)** Upon application in writing and after hearing pursuant to notice, issue a new license to a licensee whose license has been revoked, reinstate a revoked certificate or modify the suspension of any license or certificate which has been suspended. This subsection does not apply to a license or certificate that is suspended under s. 440.13 (2) (c) <u>or that is revoked under s. 440.12</u>.

SECTION 542. 443.11 (6) of the statutes is amended to read:

443.11 **(6)** The examining board, for reasons the interested section considers sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any corporation, whose certificate has been revoked, <u>except for a certificate revoked under s. 440.12,</u> providing 3 members of the architect section, 3 members of the landscape architect section, 3 members of the geologist section or 3 members of the engineer section of the examining board vote in favor of such reissuance. A new certificate of registration, certificate of record or certificate of authorization, to replace any certificate revoked, lost, destroyed or mutilated may be issued, subject to the rules of the examining board and the payment of the required fee.

SECTION 543. 443.12 (4) of the statutes is amended to read:

443.12 **(4)** The section, for reasons it deems sufficient, may reinstate a certificate of registration that has been revoked, if 3 members vote in favor of such reinstatement. <u>This subsection does not apply to a certificate of registration that is revoked under s. 440.12.</u>

SECTION 544d. 445.13 (2) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

445.13 **(2)** No reprimand or order limiting, suspending or revoking a license, certificate of registration or permit, or no assessment of forfeiture, shall be made until after a hearing conducted by the examining board. This subsection does not apply to a license, certificate of registration or permit that is limited or suspended under s. 440.13 (2) (c) <u>or that is revoked under s. 440.12</u>.

SECTION 545d. 446.05 (2) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

446.05 **(2)** Upon application and satisfactory proof that the cause of such revocation or suspension no longer exists, the examining board may reinstate any license or registration suspended or revoked by it. This subsection does not apply to a license or registration that is suspended under s. 440.13 (2) (c) <u>or that is revoked under s. 440.12</u>.

SECTION 546. 447.07 (5) of the statutes, as affected by 1997 Wisconsin Act .... (Assembly Bill 273), is amended to read:

447.07 **(5)** The examining board may reinstate a license or certificate that has been voluntarily surrendered or revoked on terms and conditions that it considers appropriate. <u>This subsection does not apply to a license that is revoked under s. 440.12.</u>

SECTION 547g. 449.07 (3) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

449.07 **(3)** Upon application and satisfactory proof that the cause of such revocation or suspension no longer exists, the examining board may reinstate any license or registration by it suspended or revoked. This subsection does not apply to a license or registration that is suspended under s. 440.13 (2) (c) <u>or that is revoked under s. 440.12</u>.

SECTION 548g. 452.12 (6) (e) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

452.12 **(6)** (e) (intro.) Except as provided in ss. 440.03 (11m) (b), 440.12 and 440.13 (2) (a), the department shall reinstate an inactive licensee's original license as follows:

SECTION 549. 452.18 of the statutes is amended to read:

452.18 Court review. ~~Orders~~ Except as provided in s. 73.0301 (2) (b) 1. a. and 2., orders of the board and department shall be subject to review as provided in ch. 227.

SECTION 550. 455.09 (3) of the statutes is amended to read:

455.09 **(3)** A revoked license may not be renewed. One year from the date of revocation of a license under this chapter, application may be made for reinstatement. The examining board may accept or reject an application for reinstatement. If reinstatement is granted under this subsection, the licensee shall pay a reinstatement fee in an amount equal to the renewal fee. This subsection does not apply to a license that is revoked under s. 440.12.

SECTION 550m. 456.10 (1) (d) of the statutes is created to read:

456.10 **(1)** (d) Proof is submitted that while the licensee was the administrator of a nursing home, that nursing home engaged in conduct that constituted a pattern of serious violations of federal or state statutes, rules or regulations.

SECTION 551. 456.11 (1) and (2) of the statutes are amended to read:

456.11 **(1)** The examining board may reinstate a license or registration to any person whose license or registration has been revoked. This subsection does not apply to a license or registration that is revoked under s. 440.12.

(2) Application for the reinstatement of a license or registration shall not be made prior to one year after revocation and shall be made in such manner as the examining board directs. This subsection does not apply to a license or registration that is revoked under s. 440.12.

SECTION 552d. 551.32 (1) (bm) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

551.32 **(1)** (bm) 1. In addition to information required under par. (b), an application under par. (a) shall contain the following:

a. In the case of an individual, the individual's social security number.

b. In the case of a person who is not an individual, the person's federal employer identification number.

2. The division may not disclose any information received under subd. 1. to any person except as follows:

a. The division may disclose information under subd. 1. to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

b. The division may disclose information under subd. 1. a. to the department of industry, labor and job development in accordance with a memorandum of understanding under s. 49.857.

SECTION 553d. 551.34 (1m) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

551.34 **(1m)** (a) The division shall deny an application for the issuance or renewal of a license if any of the following applies:

1. The applicant fails to provide the information required under s. 551.32 (1) (bm) 1.

2. The department of revenue certifies under s. 73.0301 that the applicant is liable for delinquent taxes. An applicant whose application for the issuance or renewal of a license is denied under this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice, hearing or review under this subchapter.

3. The applicant is an individual who fails to provide his or her social security number, who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. An applicant whose application is denied under this subdivision for delinquent payments is entitled to a notice and hearing under s. 49.857 but is not entitled to any other notice or hearing under this section.

(b) The division shall restrict or suspend a license under this subchapter if the licensee is an individual who fails to provide his or her social security number, who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent in making court−ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. A licensee whose license is restricted or suspended under this paragraph is entitled to a notice and hearing under s. 49.857 but is not entitled to any other notice or hearing under this section.

(c) The division shall revoke a license if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose license is revoked under this paragraph for delinquent taxes is

entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice, hearing or review under this subchapter.

SECTION 554. 560.145 of the statutes is created to read:

560.145 Revolving loan fund capitalization. (1) GRANTS. Subject to sub. (3), the department may make a grant to a person from the appropriation under s. 20.143 (1) (c) for the capitalization of a revolving loan fund if all of the following apply:

(a) The purpose of the revolving loan fund is to promote local or regional economic development.

(b) The person submits a plan to the department detailing the proposed use of the grant and the secretary approves the plan.

(c) The person enters into a written agreement with the department that specifies the conditions for use of the grant proceeds, including reporting and auditing requirements.

(d) The person agrees in writing to submit to the department the report required under sub. (2) by the time required under sub. (2).

(2) REPORT ON USE OF PROCEEDS. A person receiving a grant under this section shall submit to the department, within 6 months after spending the full amount of the grant, a report detailing how the grant proceeds were used.

(3) LIMIT ON GRANTS. The department may not award in a fiscal biennium more than $500,000 in grants under this section.

SECTION 555. 560.147 of the statutes is created to read:

560.147 Rapid response fund. (1) LOANS. Subject to sub. (4), the department may make a loan to a person from the appropriations under s. 20.143 (1) (c) and (ie) for a project described in sub. (2) if all of the following apply:

(a) The person submits a plan to the department detailing the proposed use of the loan and the secretary approves the plan.

(b) The person enters into a written agreement with the department that specifies the conditions for use of the loan proceeds, including reporting and auditing requirements, and the loan repayment terms.

(c) The person agrees in writing to submit to the department the report required under sub. (3) by the time required under sub. (3).

(d) The person contributes, from funds not provided by the state, not less than 25% of the cost of the project.

(e) The amount that the person contributes under par. (d) does not exceed $250,000.

(2) ELIGIBLE PROJECTS. (a) Loans under this section may be used only for any of the following purposes:

1. The renovation or improvement of an existing building.

2. The purchase of land, an existing building, machinery or equipment.

3. The construction of a new building.

(b) The purpose of the renovation, purchase or construction under par. (a) must be to foster economic development in the area of the project.

(3) REPORT ON USE OF PROCEEDS. A person receiving a loan under this section shall submit to the department, within 6 months after spending the full amount of the loan, a report detailing how the loan proceeds were used.

(4) LIMIT ON LOANS. The department may not award in a fiscal biennium more than $2,000,000 in loans under this section.

(5) DEPOSIT OF REPAYMENTS. The department shall deposit in the appropriation account under s. 20.143 (1) (ie) all moneys received in repayment of loans under this section.

SECTION 556. 560.17 (5c) (b) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

560.17 **(5c)** (b) The total amount of grants awarded under this subsection in any fiscal year may not exceed ~~$200,000~~ $500,000.

SECTION 557. 560.183 (3) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

560.183 **(3)** (b) The agreement shall specify that the responsibility of the department to make the payments under the agreement is subject to the availability of funds in the appropriations under s. 20.143 (1) (f), (jc) and (jm).

SECTION 558. 560.183 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

560.183 **(5)** (a) The obligation of the department to make payments under an agreement entered into under sub. (3) (b) is subject to the availability of funds in the appropriations under s. 20.143 (1) (f), (jc) and (jm).

SECTION 559. 560.183 (5) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

560.183 **(5)** (b) (intro.) If the cost of repaying the loans of all eligible applicants, when added to the cost of loan repayments scheduled under existing agreements, exceeds the total amount in the appropriations under s. 20.143 (1) (f), (jc) and (jm), the department shall establish priorities among the eligible applicants based upon the following considerations:

SECTION 560. 560.183 (6m) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 560.183 (6m) (a).

SECTION 561. 560.183 (6m) (b) of the statutes is created to read:

560.183 **(6m)** (b) Any penalties assessed and collected under this subsection shall be credited to the appropriation account under s. 20.143 (1) (jc).

SECTION 562. 560.184 (3) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

560.184 **(3)** (b) The agreement shall specify that the responsibility of the department to make the payments under the agreement is subject to the availability of funds in the appropriations under s. 20.143 (1) (f), (jc) and (jL).

SECTION 563. 560.184 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

560.184 **(5)** (a) The obligation of the department to make payments under an agreement entered into under sub. (3) is subject to the availability of funds in the appropriations under s. 20.143 (1) (f), (jc) and (jL).

SECTION 564. 560.184 (5) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

560.184 **(5)** (b) (intro.) If the cost of repaying the loans of all eligible applicants, when added to the cost of loan repayments scheduled under existing agreements, exceeds the total amount in the appropriations under s. 20.143 (1) (f), (jc) and (jL), the department shall establish priorities among the eligible applicants based upon the following considerations:

SECTION 565. 560.184 (6m) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 560.184 (6m) (a).

SECTION 566. 560.184 (6m) (b) of the statutes is created to read:

560.184 **(6m)** (b) Any penalties assessed and collected under this subsection shall be credited to the appropriation account under s. 20.143 (1) (jc).

SECTION 566b. Subchapter III (title) of chapter 560 [precedes 560.41] of the statutes is amended to read:

CHAPTER 560

SUBCHAPTER III

BUSINESS DEVELOPMENT~~:~~

ASSISTANCE CENTER

SECTION 566bb. 560.605 (1) (e) 3. of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

560.605 **(1)** (e) 3. For grants under s. 560.615, not less than 50% of the cost of the ~~management assessment and plan~~ project for which a grant is made.

SECTION 566bc. 560.615 (title) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

560.615 (title) **Manufacturing ~~assessment~~ assistance grants.**

SECTION 566bd. 560.615 (1) (title) of the statutes is created to read:

560.615 **(1)** (title) MANUFACTURING ASSESSMENTS.

SECTION 566be. 560.615 (2) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 560.615 (4).

SECTION 566bf. 560.615 (2m) of the statutes is created to read:

560.615 **(2m)** CUSTOMIZED TRAINING FOR SUPPLIERS. (a) Subject to par. (b), the board may award a grant not exceeding $100,000 under s. 560.61 to a business that manufactures original equipment for the purpose of providing customized training for the employes of its supplier businesses. A business that receives a grant under this subsection may contract with any of its supplier businesses to implement the training. Not more than $20,000 may be paid to a supplier business.

(b) The total amount of grants made under this subsection may not exceed $500,000 in a fiscal biennium.

SECTION 566bg. 560.615 (3) of the statutes is created to read:

560.615 **(3)** TECHNOLOGY TRANSFER PROGRAM. (a) Subject to pars. (b) and (c), the board may award a grant under s. 560.61 to a technology–based, nonprofit organization to provide support for a manufacturing extension center technology transfer program. A grant under this subsection may be used only for costs directly related to technology transfer activities between a business and the organization receiving the grant.

(b) The board may not award a grant under this subsection unless the technology–based, nonprofit organization submits to the department a budget detailing its proposed expenditure plans and the secretary approves the proposed plans.

(c) The total amount of grants made under this subsection may not exceed $250,000 in a fiscal biennium.

SECTION 566bh. 560.615 (4) (title) of the statutes is created to read:

560.615 **(4)** (title) LIMIT ON GRANTS.

SECTION 566bi. 562.05 (1c) of the statutes, as created by 1997 Wisconsin Act 191, is repealed and recreated to read:

562.05 **(1c)** If the applicant for a license under this section is an individual, the department may not issue or renew a license if the individual has not provided his or her social security number. If the applicant for a license under this section is not an individual, the department may not issue or renew a license if the person has not provided the person's federal employer identification number.

SECTION 566bj. 562.05 (5) (a) 10. of the statutes is created to read:

562.05 **(5)** (a) 10. The person is liable for delinquent taxes, as certified by the department of revenue under s. 73.0301. Any person for whom a license is not issued under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 566bk. 562.05 (7) (am) of the statutes, as created by 1997 Wisconsin Act 191, is repealed and recreated to read:

562.05 **(7)** (am) 1. The department shall require each person who is subject to an investigation under par. (a) and who is an individual to provide his or her social security number.

2. The department shall require each person who is subject to an investigation under par. (a) and who is not

an individual to provide the person's federal employer identification number.

SECTION 566bL. 562.05 (8) (e) of the statutes is created to read:

562.05 **(8)** (e) The department shall revoke or not renew the license of any person who has been certified by the department of revenue under s. 73.0301 to be liable for delinquent taxes. Any person for whom a license is revoked or not renewed under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

SECTION 566bm. 562.05 (8m) of the statutes, as created by 1997 Wisconsin Act 191, is repealed and recreated to read:

562.05 **(8m)** 1. If the applicant for any license is an individual, the department shall disclose his or her social security number to the department of workforce development for the purpose of administering s. 49.22 and to the department of revenue for the purpose of requesting certifications under s. 73.0301.

2. If the applicant for any license is not an individual, the department shall disclose the person's federal employer identification number to the department of revenue for the purpose of requesting certifications under s. 73.0301.

SECTION 566bn. 563.285 of the statutes is created to read:

563.285 Supplier's license and delinquent taxes. (1) The department shall deny an application for the issuance or renewal of a license, or revoke a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An applicant for whom a license is not issued or renewed, or a licensee whose license is revoked, under this section for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

(2) (a) If a licensee or an applicant for any license is an individual, the department shall disclose his or her social security number to the department of revenue for the purpose of requesting certifications under s. 73.0301.

(b) If a licensee or an applicant for any license is not an individual, the department shall disclose the person's federal employer identification number to the department of revenue for the purpose of requesting certifications under s. 73.0301.

SECTION 566bp. 563.80 of the statutes is renumbered 563.80 (intro.) and amended to read:

563.80 Gross receipts tax. (intro.) An occupational tax is imposed on those gross receipts of any licensed organization which are derived from the conduct of bingo, in the ~~amount of 2% of such gross receipts~~ following amounts:

(1) One percent of the first $30,000 in gross receipts received by a licensed organization during a year.

SECTION 566bq. 563.80 (2) of the statutes is created to read:

563.80 **(2)** Two percent of the gross receipts received by a licensed organization during a year that exceed $30,000.

SECTION 566br. 565.05 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 566bs. 565.05 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 566bt. 565.17 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

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

SECTION 566ccc. 601.42 (1g) (d) of the statutes is amended to read:

601.42 **(1g)** (d) Statements, reports, answers to questionnaires or other information, or reports, audits or certification from a certified public accountant or an actuary approved by the commissioner, relating to the extent liabilities of a health maintenance organization insurer are or will be ~~covered liabilities, as defined in s. 609.01 (1)~~ liabilities for health care costs for which an enrollee or policyholder of the health maintenance organization is not liable to any person under s. 609.91.

SECTION 566cce. Chapter 609 (title) of the statutes is repealed and recreated to read:

CHAPTER 609
MANAGED CARE PLANS

SECTION 566ccf. 609.01 (1) of the statutes is repealed.

SECTION 566cch. 609.01 (1c) of the statutes is created to read:

609.01 **(1c)** "Emergency medical condition" has the meaning given in s. 632.85 (1) (a).

SECTION 566ccj. 609.01 (1d) of the statutes is repealed and recreated to read:

609.01 **(1d)** "Enrollee" means, with respect to a managed care plan, preferred provider plan or limited service

health organization, a person who is entitled to receive health care services under the plan.

SECTION 566ccL. 609.01 (1g) of the statutes is created to read:

609.01 **(1g)** (a) Except as provided in par. (b), "health benefit plan" means any hospital or medical policy or certificate.

(b) "Health benefit plan" does not include any of the following:

1. Coverage that is only accident or disability income insurance, or any combination of the 2 types.

2. Coverage issued as a supplement to liability insurance.

3. Liability insurance, including general liability insurance and automobile liability insurance.

4. Worker's compensation or similar insurance.

5. Automobile medical payment insurance.

6. Credit−only insurance.

7. Coverage for on−site medical clinics.

8. Other similar insurance coverage, as specified in regulations issued by the federal department of health and human services, under which benefits for medical care are secondary or incidental to other insurance benefits.

9. If provided under a separate policy, certificate or contract of insurance, or if otherwise not an integral part of the policy, certificate or contract of insurance: limited−scope dental or vision benefits; benefits for long−term care, nursing home care, home health care, community−based care, or any combination of those benefits; and such other similar, limited benefits as are specified in regulations issued by the federal department of health and human services under section 2791 of P.L. 104−191.

10. Hospital indemnity or other fixed indemnity insurance or coverage only for a specified disease or illness, if all of the following apply:

a. The benefits are provided under a separate policy, certificate or contract of insurance.

b. There is no coordination between the provision of such benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor.

c. Such benefits are paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health plan maintained by the same plan sponsor.

11. Other insurance exempted by rule of the commissioner.

SECTION 566ccn. 609.01 (2) of the statutes is amended to read:

609.01 **(2)** "Health maintenance organization" means a health care plan offered by an organization established under ch. 185, 611, 613 or 614 or issued a certificate of authority under ch. 618 that makes available to its ~~enrolled participants~~ enrollees, in consideration for predetermined periodic fixed payments, comprehensive health care services performed by providers ~~selected by the organization~~ participating in the plan.

SECTION 566ccp. 609.01 (3) of the statutes is amended to read:

609.01 **(3)** "Limited service health organization" means a health care plan offered by an organization established under ch. 185, 611, 613 or 614 or issued a certificate of authority under ch. 618 that makes available to its ~~enrolled participants~~ enrollees, in consideration for predetermined periodic fixed payments, a limited range of health care services performed by providers ~~selected by the organization~~ participating in the plan.

SECTION 566ccr. 609.01 (3c) of the statutes is created to read:

609.01 **(3c)** "Managed care plan" means a health benefit plan that requires an enrollee of the health benefit plan, or creates incentives, including financial incentives, for an enrollee of the health benefit plan, to use providers that are managed, owned, under contract with or employed by the insurer offering the health benefit plan.

SECTION 566cct. 609.01 (3m) of the statutes is created to read:

609.01 **(3m)** "Participating" means, with respect to a physician or other provider, under contract with a managed care plan, preferred provider plan or limited service health organization to provide health care services, items or supplies to enrollees of the managed care plan, preferred provider plan or limited service health organization.

SECTION 566ccv. 609.01 (3r) of the statutes is created to read:

609.01 **(3r)** "Physician" has the meaning given in s. 448.01 (5).

SECTION 566ccx. 609.01 (4) of the statutes is amended to read:

609.01 **(4)** "Preferred provider plan" means a health care plan offered by an organization established under ch. 185, 611, 613 or 614 or issued a certificate of authority under ch. 618 that makes available to its ~~enrolled participants~~ enrollees, for consideration other than predetermined periodic fixed payments, either comprehensive health care services or a limited range of health care services performed by providers ~~selected by the organization~~ participating in the plan.

SECTION 566ccz. 609.01 (4m) of the statutes is created to read:

609.01 **(4m)** "Primary care physician" means a physician specializing in family medical practice, general internal medicine or pediatrics.

SECTION 566cdd. 609.01 (5) of the statutes is repealed and recreated to read:

609.01 **(5)** "Primary provider" means a participating primary care physician, or other participating provider authorized by the managed care plan, preferred provider plan or limited service health organization to serve as a

primary provider, who coordinates and may provide ongoing care to an enrollee.

Vetoed In Part

SECTION 566cdf. 609.01 (6) of the statutes is repealed and recreated to read:

609.01 **(6)** "Specialist physician" means a physician who is not a primary care physician.

SECTION 566cdg. 609.05 (1) of the statutes is amended to read:

609.05 **(1)** Except as provided in subs. (2) and (3), a ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan shall permit its ~~enrolled participants~~ enrollees to choose freely among ~~selected~~ participating providers.

SECTION 566cdi. 609.05 (2) of the statutes is amended to read:

609.05 **(2)** ~~A health care plan under sub. (1)~~ Subject to s. 609.22 (4), a limited service health organization, preferred provider plan or managed care plan may require an ~~enrolled participant~~ enrollee to designate a primary provider and to obtain health care services from the primary provider when reasonably possible.

SECTION 566cdk. 609.05 (3) of the statutes is amended to read:

609.05 **(3)** Except as provided in ss. 609.65 and 609.655, a ~~health care plan under sub. (1)~~ limited service health organization, preferred provider plan or managed care plan may require an ~~enrolled participant~~ enrollee to obtain a referral from the primary provider designated under sub. (2) to another ~~selected~~ participating provider prior to obtaining health care services from ~~the other selected~~ that participating provider.

SECTION 566cdm. 609.10 (1) (a) of the statutes is amended to read:

609.10 **(1)** (a) Except as provided in subs. (2) to (4), an employer that offers any of its employes a health maintenance organization or a preferred provider plan that provides comprehensive health care services shall also offer the employes a standard plan, as provided in pars. (b) and (c), that provides at least substantially equivalent coverage of health care expenses ~~and that is not a health maintenance organization or a preferred provider plan~~.

SECTION 566cdo. 609.15 (1) (intro.) of the statutes is amended to read:

609.15 **(1)** (intro.) Each ~~health maintenance organization,~~ limited service health organization ~~and~~, preferred provider plan and managed care plan shall do all of the following:

SECTION 566cdq. 609.15 (1) (a) of the statutes is amended to read:

609.15 **(1)** (a) Establish and use an internal grievance procedure that is approved by the commissioner and that complies with sub. (2) for the resolution of ~~enrolled participants'~~ enrollees' grievances with the ~~health care~~ limited service health organization, preferred provider plan or managed care plan.

SECTION 566cds. 609.15 (1) (b) of the statutes is amended to read:

609.15 **(1)** (b) Provide ~~enrolled participants~~ enrollees with complete and understandable information describing the internal grievance procedure under par. (a).

SECTION 566cdu. 609.15 (2) (a) of the statutes is amended to read:

609.15 **(2)** (a) The opportunity for an ~~enrolled participant~~ enrollee to submit a written grievance in any form.

SECTION 566cdw. 609.15 (2) (b) of the statutes is amended to read:

609.15 **(2)** (b) Establishment of a grievance panel for the investigation of each grievance submitted under par. (a), consisting of at least one individual authorized to take corrective action on the grievance and at least one ~~enrolled participant~~ enrollee other than the grievant, if an ~~enrolled participant~~ enrollee is available to serve on the grievance panel.

SECTION 566cdy. 609.17 of the statutes is amended to read:

609.17 Reports of disciplinary action. Every ~~health maintenance organization,~~ limited service health organization ~~and~~, preferred provider plan and managed care plan shall notify the medical examining board or appropriate affiliated credentialing board attached to the medical examining board of any disciplinary action taken against a ~~selected~~ participating provider who holds a license or certificate granted by the board or affiliated credentialing board.

SECTION 566cfc. 609.20 (intro.) of the statutes is amended to read:

609.20 (title) **Rules for preferred provider and managed care plans.** (intro.) The commissioner shall promulgate rules ~~applicable~~ relating to preferred provider plans and managed care plans for all of the following purposes:

SECTION 566cfe. 609.20 (1) of the statutes is amended to read:

609.20 **(1)** To ensure that ~~enrolled participants~~ enrollees are not forced to travel excessive distances to receive health care services.

SECTION 566cfg. 609.20 (2) of the statutes is amended to read:

609.20 **(2)** To ensure that the continuity of patient care for ~~enrolled participants~~ ~~is not disrupted~~ enrollees meets the requirements under s. 609.24.

SECTION 566cfi. 609.20 (4) of the statutes is amended to read:

609.20 **(4)** To ensure that employes offered a health maintenance organization or a preferred provider plan that provides comprehensive services under s. 609.10 (1) (a) are given adequate notice of the opportunity to enroll ~~and~~, as well as complete and understandable information under s. 609.10 (1) (c) concerning the differences between the health maintenance organization or preferred

provider plan and the standard plan, including differences between providers available and differences resulting from special limitations or requirements imposed by an institutional provider because of its affiliation with a religious organization.

SECTION 566cfk. 609.22 of the statutes is created to read:

609.22 Access standards. (1) PROVIDERS. A managed care plan shall include a sufficient number, and sufficient types, of providers to meet the anticipated needs of its enrollees, with respect to covered benefits.

(2) ADEQUATE CHOICE. A managed care plan shall ensure that, with respect to covered benefits, each enrollee has adequate choice among participating providers and that the providers are accessible and qualified.

(3) PRIMARY PROVIDER SELECTION. A managed care plan shall permit each enrollee to select his or her own primary provider from a list of participating primary care physicians and any other participating providers that are authorized by the managed care plan to serve as primary providers. The list shall be updated on an ongoing basis and shall include a sufficient number of primary care physicians and any other participating providers authorized by the plan to serve as primary providers who are accepting new enrollees.

Vetoed In Part

(4) SPECIALIST PROVIDERS. (a) A managed care plan shall allow all enrollees under the plan to have access to specialist physicians on a timely basis when specialty medical care is warranted, with respect to covered benefits. An enrollee shall be allowed to choose among participating specialist physicians, within the limitations of the managed care plan, when a referral is made for specialty care, with respect to covered benefits. A managed care plan shall clearly disclose to enrollees any limitations.

(b) If the treatment of a specific condition for which coverage is provided under the plan requires the services of a particular type of specialist physician and a managed care plan has no participating specialist physicians of that type, the managed care plan shall provide enrollees with the specific condition with coverage for the services of nonparticipating specialist physicians of that type.

Vetoed In Part

(c) 1. If a managed care plan requires a referral to a specialist physician for coverage of the specialist physician's services, the managed care plan shall establish a procedure by which an enrollee may apply for a standing referral to a specialist physician. The procedure must specify the criteria and conditions that must be met in order for an enrollee to obtain a standing referral.

Vetoed In Part

2. A managed care plan may require the enrollee's primary provider to remain responsible for coordinating the care of an enrollee who receives a standing referral to a specialist physician. A managed care plan may restrict the specialist physician from making any secondary referrals without prior approval by the enrollee's primary provider. If an enrollee requests primary care services from a specialist physician to whom the enrollee has a standing referral, the specialist physician, in agreement with the enrollee and the enrollee's primary provider, may provide primary care services to the enrollee in accordance with procedures established by the managed care plan.

Vetoed In Part

3. A managed care plan must include information regarding referral procedures in policies or certificates provided to enrollees and must provide such information to an enrollee or prospective enrollee upon request.

(5) SECOND OPINIONS. A managed care plan shall provide an enrollee with coverage for a 2nd opinion from another participating provider.

(6) EMERGENCY CARE. Notwithstanding s. 632.85, if a managed care plan provides coverage of emergency services, with respect to covered benefits, the managed care plan shall do all of the following:

(a) Cover emergency medical services for which coverage is provided under the plan and that are obtained without prior authorization for the treatment of an emergency medical condition.

(b) Cover emergency medical services or urgent care for which coverage is provided under the plan and that is provided to an individual who has coverage under the plan as a dependent child and who is a full–time student attending school outside of the geographic service area of the plan.

(7) TELEPHONE ACCESS. A managed care plan shall provide telephone access for sufficient time during business and evening hours to ensure that enrollees have adequate access to routine health care services for which coverage is provided under the plan. A managed care plan shall provide 24–hour telephone access to the plan or to a participating provider for emergency care, or authorization for care, for which coverage is provided under the plan.

(8) ACCESS PLAN FOR CERTAIN ENROLLEES. A managed care plan shall develop an access plan to meet the needs, with respect to covered benefits, of its enrollees who are members of underserved populations. If a significant number of enrollees of the plan customarily use languages other than English, the managed care plan shall provide access to translation services fluent in those languages to the greatest extent possible.

SECTION 566cfm. 609.24 of the statutes is created to read:

609.24 Continuity of care. (1) REQUIREMENT TO PROVIDE ACCESS. (a) Subject to pars. (b) and (c) and except as provided in par. (d), a managed care plan shall, with respect to covered benefits, provide coverage to an enrollee for the services of a provider, regardless of whether the provider is a participating provider at the time the services are provided, if the managed care plan represented that the provider was, or would be, a participating provider in marketing materials that were pro-

vided or available to the enrollee at any of the following times:

1. If the plan under which the enrollee has coverage has an open enrollment period, the most recent open enrollment period.

2. If the plan under which the enrollee has coverage has no open enrollment period, the time of the enrollee's enrollment or most recent coverage renewal, whichever is later.

(b) Except as provided in par. (d), a managed care plan shall provide the coverage required under par. (a) with respect to the services of a provider who is a primary care physician for the following period of time:

1. For an enrollee of a plan with no open enrollment period, until the end of the current plan year.

2. For an enrollee of a plan with an open enrollment period, until the end of the plan year for which it was represented that the provider was, or would be, a participating provider.

(c) Except as provided in par. (d), if an enrollee is undergoing a course of treatment with a participating provider who is not a primary care physician and whose participation with the plan terminates, the managed care plan shall provide the coverage under par. (a) with respect to the services of the provider for the following period of time:

1. Except as provided in subd. 2., for the remainder of the course of treatment or for 90 days after the provider's participation with the plan terminates, whichever is shorter, except that the coverage is not required to extend beyond the period specified in par. (b) 1. or 2., whichever applies.

2. If maternity care is the course of treatment and the enrollee is a woman who is in the 2nd or 3rd trimester of pregnancy when the provider's participation with the plan terminates, until the completion of postpartum care for the woman and infant.

(d) The coverage required under this section need not be provided or may be discontinued if any of the following applies:

1. The provider no longer practices in the managed care plan's geographic service area.

2. The insurer issuing the managed care plan terminates or terminated the provider's contract for misconduct on the part of the provider.

(e) 1. An insurer issuing a managed care plan shall include in its provider contracts provisions addressing reimbursement to providers for services rendered under this section.

2. If a contract between a managed care plan and a provider does not address reimbursement for services rendered under this section, the insurer shall reimburse the provider according to the most recent contracted rate.

(2) MEDICAL NECESSITY PROVISIONS. This section does not preclude the application of any provisions related to medical necessity that are generally applicable under the plan.

(3) HOLD HARMLESS REQUIREMENTS. A provider that receives or is due reimbursement for services provided to an enrollee under this section is subject to s. 609.91 with respect to the enrollee, regardless of whether the provider is a participating provider in the enrollee's plan and regardless of whether the enrollee's plan is a health maintenance organization.

SECTION 566cfo. 609.30 of the statutes is created to read:

609.30 Provider disclosures. (1) PLAN MAY NOT CONTRACT. A managed care plan may not contract with a participating provider to limit the provider's disclosure of information, to or on behalf of an enrollee, about the enrollee's medical condition or treatment options.

(2) PLAN MAY NOT PENALIZE OR TERMINATE. A participating provider may discuss, with or on behalf of an enrollee, all treatment options and any other information that the provider determines to be in the best interest of the enrollee. A managed care plan may not penalize or terminate the contract of a participating provider because the provider makes referrals to other participating providers or discusses medically necessary or appropriate care with or on behalf of an enrollee.

SECTION 566cfq. 609.32 of the statutes is created to read:

609.32 Quality assurance. (1) STANDARDS. A managed care plan shall develop comprehensive quality assurance standards that are adequate to identify, evaluate and remedy problems related to access to, and continuity and quality of, care. The standards shall include at least all of the following:

(a) An ongoing, written internal quality assurance program.

(b) Specific written guidelines for quality of care studies and monitoring.

(c) Performance and clinical outcomes−based criteria.

(d) A procedure for remedial action to address quality problems, including written procedures for taking appropriate corrective action.

(e) A plan for gathering and assessing data.

(f) A peer review process.

(2) SELECTION AND EVALUATION OF PROVIDERS. (a) A managed care plan shall develop a process for selecting participating providers, including written policies and procedures that the plan uses for review and approval of providers. After consulting with appropriately qualified providers, the plan shall establish minimum professional requirements for its participating providers. The process for selection shall include verification of a provider's license or certificate, including the history of any suspensions or revocations, and the history of any liability claims made against the provider.

(b) A managed care plan shall establish in writing a formal, ongoing process for reevaluating each participating provider within a specified number of years after the provider's initial acceptance for participation. The reevaluation shall include all of the following:

1. Updating the previous review criteria.

2. Assessing the provider's performance on the basis of such criteria as enrollee clinical outcomes, number of complaints and malpractice actions.

(c) A managed care plan may not require a participating provider to provide services that are outside the scope of his or her license or certificate.

SECTION 566cfs. 609.34 of the statutes is created to read:

609.34 Clinical decision−making; medical director. A managed care plan shall appoint a physician as medical director. The medical director shall be responsible for clinical protocols, quality assurance activities and utilization management policies of the plan.

SECTION 566cfu. 609.36 of the statutes is created to read:

609.36 Data systems and confidentiality. (1) INFORMATION AND DATA REPORTING. (a) A managed care plan shall provide to the commissioner information related to all of the following:

1. The structure of the plan.

2. Health care benefits and exclusions.

3. Cost−sharing requirements.

4. Participating providers.

(b) Subject to sub. (2), the information and data reported under par. (a) shall be open to public inspection under ss. 19.31 to 19.39.

(2) CONFIDENTIALITY. A managed care plan shall establish written policies and procedures, consistent with ss. 51.30, 146.82 and 252.15, for the handling of medical records and enrollee communications to ensure confidentiality.

SECTION 566cfw. 609.38 of the statutes is created to read:

609.38 Oversight. The office shall perform examinations of insurers that issue managed care plans consistent with ss. 601.43 and 601.44. The commissioner shall by rule develop standards for managed care plans for compliance with the requirements under this chapter.

SECTION 566cfy. 609.65 (1) (intro.) of the statutes is amended to read:

609.65 **(1)** (intro.) If an ~~enrolled participant of a health maintenance organization,~~ enrollee of a limited service health organization ~~or~~, preferred provider plan or managed care plan is examined, evaluated or treated for a nervous or mental disorder pursuant to an emergency detention under s. 51.15, a commitment or a court order under s. 51.20 or 880.33 (4m) or (4r) or ch. 980, then, notwithstanding the limitations regarding ~~selected~~ participating providers, primary providers and referrals under ss. 609.01 (2) to (4) and 609.05 (3), the ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan shall do all of the following:

SECTION 566chc. 609.65 (1) (a) of the statutes is amended to read:

609.65 **(1)** (a) If the provider performing the examination, evaluation or treatment has a provider agreement with the ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan which covers the provision of that service to the ~~enrolled participant~~ enrollee, make the service available to the ~~enrolled participant~~ enrollee in accordance with the terms of the ~~health care~~ limited service health organization, preferred provider plan or managed care plan and the provider agreement.

SECTION 566che. 609.65 (1) (b) (intro.) of the statutes is amended to read:

609.65 **(1)** (b) (intro.) If the provider performing the examination, evaluation or treatment does not have a provider agreement with the ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan which covers the provision of that service to the ~~enrolled participant~~ enrollee, reimburse the provider for the examination, evaluation or treatment of the ~~enrolled participant~~ enrollee in an amount not to exceed the maximum reimbursement for the service under the medical assistance program under subch. IV of ch. 49, if any of the following applies:

SECTION 566chf. 609.65 (1) (b) 1. of the statutes is amended to read:

609.65 **(1)** (b) 1. The service is provided pursuant to a commitment or a court order, except that reimbursement is not required under this subdivision if the ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan could have provided the service through a provider with whom it has a provider agreement.

SECTION 566chh. 609.65 (1) (b) 2. of the statutes is amended to read:

609.65 **(1)** (b) 2. The service is provided pursuant to an emergency detention under s. 51.15 or on an emergency basis to a person who is committed under s. 51.20 and the provider notifies the ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan within 72 hours after the initial provision of the service.

SECTION 566chj. 609.65 (2) of the statutes is amended to read:

609.65 **(2)** If after receiving notice under sub. (1) (b) 2. the ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan arranges for services to be provided by a provider with whom it has a provider agreement, the ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan is not required to reimburse a provider under sub. (1)

(b) 2. for any services provided after arrangements are made under this subsection.

SECTION 566chL. 609.65 (3) of the statutes is amended to read:

609.65 **(3)** A ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan is only required to make available, or make reimbursement for, an examination, evaluation or treatment under sub. (1) to the extent that the ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan would have made the medically necessary service available to the ~~enrolled participant~~ enrollee or reimbursed the provider for the service if any referrals required under s. 609.05 (3) had been made and the service had been performed by a participating provider ~~selected by the health maintenance organization, limited service health organization or preferred provider plan~~.

SECTION 566chn. 609.655 (1) (a) 1. of the statutes is amended to read:

609.655 **(1)** (a) 1. Is covered as a dependent child under the terms of a policy or certificate issued by a ~~health maintenance organization~~ managed care plan insurer.

SECTION 566chp. 609.655 (1) (a) 2. of the statutes is amended to read:

609.655 **(1)** (a) 2. Is enrolled in a school located in this state but outside the geographical service area of the ~~health maintenance organization~~ managed care plan.

SECTION 566chq. 609.655 (1) (c) of the statutes is amended to read:

609.655 **(1)** (c) "School" means a technical college; ~~a center or~~ an institution within the university of Wisconsin system; and any institution of higher education that grants a bachelor's or higher degree.

SECTION 566chr. 609.655 (2) of the statutes is amended to read:

609.655 **(2)** If a policy or certificate issued by a ~~health maintenance organization~~ managed care plan insurer provides coverage of outpatient services provided to a dependent student, the policy or certificate shall provide coverage of outpatient services, to the extent and in the manner required under sub. (3), that are provided to the dependent student while he or she is attending a school located in this state but outside the geographical service area of the ~~health maintenance organization~~ managed care plan, notwithstanding the limitations regarding ~~selected~~ participating providers, primary providers and referrals under ss. 609.01 (2) and 609.05 (3).

SECTION 566cht. 609.655 (3) (intro.) of the statutes is amended to read:

609.655 **(3)** (intro.) Except as provided in sub. (5), a ~~health maintenance organization~~ managed care plan shall provide coverage for all of the following services:

SECTION 566chv. 609.655 (3) (a) of the statutes is amended to read:

609.655 **(3)** (a) A clinical assessment of the dependent student's nervous or mental disorders or alcoholism or other drug abuse problems, conducted by a provider described in s. 632.89 (1) (e) 2. or 3. who is located in this state and in reasonably close proximity to the school in which the dependent student is enrolled and who may be designated by the ~~health maintenance organization~~ managed care plan.

SECTION 566chx. 609.655 (3) (b) (intro.) of the statutes is amended to read:

609.655 **(3)** (b) (intro.) If outpatient services are recommended in the clinical assessment conducted under par. (a), the recommended outpatient services consisting of not more than 5 visits to an outpatient treatment facility or other provider that is located in this state and in reasonably close proximity to the school in which the dependent student is enrolled and that may be designated by the ~~health maintenance organization~~ managed care plan, except as follows:

SECTION 566chz. 609.655 (3) (b) 1. of the statutes is amended to read:

609.655 **(3)** (b) 1. Coverage is not required under this paragraph if the medical director of the ~~health maintenance organization~~ managed care plan determines that the nature of the treatment recommended in the clinical assessment will prohibit the dependent student from attending school on a regular basis.

SECTION 566cjb. 609.655 (4) (a) of the statutes is amended to read:

609.655 **(4)** (a) Upon completion of the 5 visits for outpatient services covered under sub. (3) (b), the medical director of the ~~health maintenance organization~~ managed care plan and the clinician treating the dependent student shall review the dependent student's condition and determine whether it is appropriate to continue treatment of the dependent student's nervous or mental disorders or alcoholism or other drug abuse problems in reasonably close proximity to the school in which the student is enrolled. The review is not required if the dependent student is no longer enrolled in the school or if the coverage limits under the policy or certificate for treatment of nervous or mental disorders or alcoholism or other drug abuse problems have been exhausted.

SECTION 566cjd. 609.655 (4) (b) of the statutes is amended to read:

609.655 **(4)** (b) Upon completion of the review under par. (a), the medical director of the ~~health maintenance organization~~ managed care plan shall determine whether the policy or certificate will provide coverage of any further treatment for the dependent student's nervous or mental disorder or alcoholism or other drug abuse problems that is provided by a provider located in reasonably close proximity to the school in which the student is enrolled. If the dependent student disputes the medical director's determination, the dependent student may sub-

mit a written grievance under the ~~health maintenance organization's~~ managed care plan's internal grievance procedure established under s. 609.15.

SECTION 566cje. 609.655 (5) (a) of the statutes is amended to read:

609.655 **(5)** (a) A policy or certificate issued by a ~~health maintenance organization~~ managed care plan insurer is required to provide coverage for the services specified in sub. (3) only to the extent that the policy or certificate would have covered the service if it had been provided to the dependent student by a ~~selected~~ participating provider within the geographical service area of the ~~health maintenance organization~~ managed care plan.

SECTION 566cjg. 609.655 (5) (b) of the statutes is amended to read:

609.655 **(5)** (b) Paragraph (a) does not permit a ~~health maintenance organization~~ managed care plan to reimburse a provider for less than the full cost of the services provided or an amount negotiated with the provider, solely because the reimbursement rate for the service would have been less if provided by a ~~selected~~ participating provider within the geographical service area of the ~~health maintenance organization~~ managed care plan.

SECTION 566cji. 609.70 of the statutes is amended to read:

609.70 Chiropractic coverage. ~~Health maintenance organizations, limited~~ Limited service health organizations ~~and~~, preferred provider plans and managed care plans are subject to s. 632.87 (3).

SECTION 566cjk. 609.75 of the statutes is amended to read:

609.75 Adopted children coverage. ~~Health maintenance organizations, limited~~ Limited service health organizations ~~and~~, preferred provider plans and managed care plans are subject to s. 632.896. Coverage of health care services obtained by adopted children and children placed for adoption may be subject to any requirements that the ~~health maintenance organization,~~ limited service health organization ~~or~~, preferred provider plan or managed care plan imposes under s. 609.05 (2) and (3) on the coverage of health care services obtained by other ~~enrolled participants~~ enrollees.

SECTION 566cjm. 609.77 of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

609.77 Coverage of breast reconstruction. ~~Health maintenance organizations, limited~~ Limited service health organizations ~~and~~, preferred provider plans and managed care plans are subject to s. 632.895 (13).

SECTION 566cjo. 609.78 of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

609.78 Coverage of treatment for the correction of temporomandibular disorders. ~~Health maintenance organizations, limited~~ Limited service health organizations ~~and~~, preferred provider plans and managed care plans are subject to s. 632.895 (11).

SECTION 566cjq. 609.79 of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

609.79 Coverage of hospital and ambulatory surgery center charges and anesthetics for dental care. ~~Health maintenance organizations, limited~~ Limited service health organizations ~~and~~, preferred provider plans and managed care plans are subject to s. 632.895 (12).

SECTION 566cjs. 609.80 of the statutes is amended to read:

609.80 Coverage of mammograms. ~~Health maintenance organizations and preferred provider~~ Managed care plans are subject to s. 632.895 (8). Coverage of mammograms under s. 632.895 (8) may be subject to any requirements that the ~~health maintenance organization or preferred provider~~ managed care plan imposes under s. 609.05 (2) and (3) on the coverage of other health care services obtained by ~~enrolled participants~~ enrollees.

SECTION 566cju. 609.81 of the statutes is amended to read:

609.81 Coverage related to HIV infection. ~~Health maintenance organizations, limited~~ Limited service health organizations ~~and~~, preferred provider plans and managed care plans are subject to s. 631.93. ~~Health maintenance organizations and preferred provider~~ Managed care plans are subject to s. 632.895 (9).

SECTION 566cjw. 609.82 of the statutes is created to read:

609.82 Coverage without prior authorization for emergency medical condition treatment. Health maintenance organizations, limited service health organizations and preferred provider plans are subject to s. 632.85.

SECTION 566cjy. 609.82 of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

609.82 Coverage without prior authorization for emergency medical condition treatment. Limited service health organizations, preferred provider plans and managed care plans are subject to s. 632.85.

SECTION 566cLc. 609.83 of the statutes is created to read:

609.83 Coverage of drugs and devices. Limited service health organizations, preferred provider plans and managed care plans are subject to s. 632.853.

SECTION 566cLe. 609.84 of the statutes is created to read:

609.84 Experimental treatment. Limited service health organizations, preferred provider plans and managed care plans are subject to s. 632.855.

SECTION 566cLf. 609.91 (1) (intro.) of the statutes is amended to read:

609.91 **(1)** (title) IMMUNITY OF ~~ENROLLED PARTICIPANTS~~ ENROLLEES AND POLICYHOLDERS. (intro.) Except as provided in sub. (1m), an ~~enrolled participant~~ enrollee or policyholder of a health maintenance organization

insurer is not liable for health care costs that are incurred on or after January 1, 1990, and that are covered under a policy or certificate issued by the health maintenance organization insurer, if any of the following applies:

SECTION 566cLh. 609.91 (1) (b) 2. of the statutes is amended to read:

609.91 **(1)** (b) 2. Is physician services provided under a contract with the health maintenance organization insurer or by a ~~selected~~ participating provider of the health maintenance organization insurer.

SECTION 566cLj. 609.91 (1) (b) 3. of the statutes is amended to read:

609.91 **(1)** (b) 3. Is services, equipment, supplies or drugs that are ancillary or incidental to services described in subd. 2. and are provided by the contracting provider or ~~selected~~ participating provider.

SECTION 566cLL. 609.91 (1m) of the statutes is amended to read:

609.91 **(1m)** IMMUNITY OF MEDICAL ASSISTANCE RECIPIENTS. An ~~enrolled participant~~ enrollee, policyholder or insured under a policy issued by an insurer to the department of health and family services under s. 49.45 (2) (b) 2. to provide prepaid health care to medical assistance recipients is not liable for health care costs that are covered under the policy.

SECTION 566cLn. 609.91 (2) of the statutes is amended to read:

609.91 **(2)** PROHIBITED RECOVERY ATTEMPTS. No person may bill, charge, collect a deposit from, seek remuneration or compensation from, file or threaten to file with a credit reporting agency or have any recourse against an ~~enrolled participant~~ enrollee, policyholder or insured, or any person acting on their behalf, for health care costs for which the ~~enrolled participant~~ enrollee, policyholder or insured, or person acting on their behalf, is not liable under sub. (1) or (1m).

SECTION 566cLp. 609.91 (3) of the statutes is amended to read:

609.91 **(3)** DEDUCTIBLES, COPAYMENTS AND PREMIUMS. Subsections (1) to (2) do not affect the liability of an ~~enrolled participant~~ enrollee, policyholder or insured for any deductibles, copayments or premiums owed under the policy or certificate issued by the health maintenance organization insurer or by the insurer described in sub. (1m).

SECTION 566cLr. 609.91 (4) (intro.) of the statutes is amended to read:

609.91 **(4)** (intro.) CONDITIONS NOT AFFECTING THE IMMUNITY. The immunity of an ~~enrolled participant~~ enrollee, policyholder or insured for health care costs, to the extent of the immunity provided under this section and ss. 609.92 to 609.935, is not affected by any of the following:

SECTION 566cLt. 609.91 (4) (a) of the statutes is amended to read:

609.91 **(4)** (a) An agreement, other than a notice of election or termination of election in accordance with s. 609.92 or 609.925, entered into by the provider, the health maintenance organization insurer, the insurer described in sub. (1m) or any other person, at any time, whether oral or written and whether implied or explicit, including an agreement that purports to hold the ~~enrolled participant~~ enrollee, policyholder or insured liable for health care costs.

SECTION 566cLv. 609.91 (4) (b) of the statutes is amended to read:

609.91 **(4)** (b) A breach of or default on an agreement by the health maintenance organization insurer, the insurer described in sub. (1m) or any other person to compensate the provider, directly or indirectly, for health care costs, including health care costs for which the ~~enrolled participant~~ enrollee, policyholder or insured is not liable under sub. (1) or (1m).

SECTION 566cLx. 609.91 (4) (c) of the statutes is amended to read:

609.91 **(4)** (c) The insolvency of the health maintenance organization insurer or any person contracting with the health maintenance organization insurer or provider, or the commencement or the existence of conditions permitting the commencement of insolvency, delinquency or bankruptcy proceedings involving the health maintenance organization insurer or other person, including delinquency proceedings, as defined in s. 645.03 (1) (b), under ch. 645, despite whether the health maintenance organization insurer or other person has agreed to compensate, directly or indirectly, the provider for health care costs for which the ~~enrolled participant~~ enrollee or policyholder is not liable under sub. (1).

SECTION 566cLz. 609.91 (4) (cm) of the statutes is amended to read:

609.91 **(4)** (cm) The insolvency of the insurer described in sub. (1m) or any person contracting with the insurer or provider, or the commencement or the existence of conditions permitting the commencement of insolvency, delinquency or bankruptcy proceedings involving the insurer or other person, including delinquency proceedings, as defined in s. 645.03 (1) (b), under ch. 645, despite whether the insurer or other person has agreed to compensate, directly or indirectly, the provider for health care costs for which the ~~enrolled participant~~ enrollee, policyholder or insured is not liable under sub. (1m).

SECTION 566cnb. 609.91 (4) (d) of the statutes is amended to read:

609.91 **(4)** (d) The inability of the provider or other person who is owed compensation for health care costs to obtain compensation from the health maintenance organization insurer, the insurer described in sub. (1m) or any other person for health care costs for which the ~~enrolled participant~~ enrollee, policyholder or insured is not liable under sub. (1) or (1m).

SECTION 566cnd. 609.92 (5) of the statutes is amended to read:

609.92 **(5)** PROVIDER OF PHYSICIAN SERVICES. A provider who is not under contract with a health maintenance organization insurer and who is not a ~~selected~~ participating provider of a health maintenance organization insurer is not subject to s. 609.91 (1) (b) 2. with respect to health care costs incurred by an ~~enrolled participant~~ enrollee of that health maintenance organization insurer.

SECTION 566cnf. 609.94 (1) (b) of the statutes is amended to read:

609.94 **(1)** (b) Each ~~selected~~ participating provider of the health maintenance organization insurer, at the time that the provider becomes a ~~selected~~ participating provider.

SECTION 571b. 628.095 of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

628.095 Social security and federal employer identification numbers on license applications or at time of fee payment. (1) REQUIRED ON APPLICATIONS. An application for a license issued under this subchapter shall contain the applicant's social security number, if the applicant is a natural person, or the applicant's federal employer identification number, if the applicant is not a natural person.

(2) REFUSAL TO ISSUE LICENSE. The commissioner may not issue a license, including a temporary license, under this subchapter unless the applicant provides his or her social security number, if the applicant is a natural person, or provides the applicant's federal tax identification number, if the applicant is not a natural person.

(3) REQUIRED WHEN ANNUAL FEE PAID. At the time that the annual fee is paid under s. 601.31 (1) (m), an intermediary who is a natural person shall provide his or her social security number, and an intermediary that is not a natural person shall provide its federal employer identification number, if the social security number or federal employer identification number was not provided on the application for the license or previously when the annual fee was paid.

(4) DISCLOSURE. (a) The commissioner shall disclose a social security number obtained under sub. (1) or (3) to the department of workforce development in the administration of s. 49.22, as provided in a memorandum of understanding entered into under s. 49.857.

(b) The commissioner may disclose any information received under sub. (1) or (3) to the department of revenue for the purpose of requesting certifications under s. 73.0301.

SECTION 572b. 628.097 (title) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

628.097 (title) **Refusal to issue; failure to pay support or to comply with subpoena or warrant; tax delinquency.**

SECTION 572c. 628.097 (1) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 628.097 (1) (a).

SECTION 572d. 628.097 (1) (a) (title) of the statutes is created to read:

628.097 **(1)** (a) (title) *For failure to pay support or to comply with subpoena or warrant.*

SECTION 572e. 628.097 (1) (b) of the statutes is created to read:

628.097 **(1)** (b) *For liability for delinquent taxes.* The commissioner shall refuse to issue a license, including a temporary license, under this subchapter if the department of revenue certifies under s. 73.0301 that the applicant for the license is liable for delinquent taxes.

SECTION 572f. 628.097 (2) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 628.097 (2) (a).

SECTION 572g. 628.097 (2) (a) (title) of the statutes is created to read:

628.097 **(2)** (a) (title) *For failure to pay support or to comply with subpoena or warrant.*

SECTION 572h. 628.097 (2) (b) of the statutes is created to read:

628.097 **(2)** (b) *For liability for delinquent taxes.* The commissioner shall refuse to extend a temporary license under s. 628.09 (4) if the department of revenue certifies under s. 73.0301 that the person holding the temporary license is liable for delinquent taxes.

SECTION 573. 628.10 (2) (b) of the statutes is amended to read:

628.10 **(2)** (b) *For other reasons.* ~~After~~ Except as provided in pars. (c) to (d), after a hearing, the commissioner may revoke, suspend or limit in whole or in part the license of any intermediary if the commissioner finds that the licensee is unqualified as an intermediary, is not of good character or has repeatedly or knowingly violated an insurance statute or rule or a valid order of the commissioner under s. 601.41 (4), or if the intermediary's methods and practices in the conduct of business endanger, or financial resources are inadequate to safeguard, the legitimate interests of customers and the public. Nothing in this paragraph limits the authority of the commissioner to suspend summarily an intermediary's license under s. 227.51 (3).

SECTION 574. 628.10 (2) (cm) of the statutes is created to read:

628.10 **(2)** (cm) *For liability for delinquent taxes.* The commissioner shall revoke the license of an intermediary, including a temporary license under s. 628.09, if the department of revenue certifies under s. 73.0301 that the intermediary is liable for delinquent taxes.

SECTION 575b. 628.10 (2) (d) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

628.10 **(2)** (d) (title) *For failure to provide social security or federal employer identification number.* If an intermediary ~~who is a natural person~~ fails to provide a social security number or federal employer identification number as required under s. 628.095 (3), the commissioner shall suspend or limit the license of the intermediary, effective the day following the last day on which the annual fee under s. 601.31 (1) (m) may be paid, if the commissioner has given the intermediary reasonable notice of when the fee must be paid to avoid suspension or limitation. If the intermediary provides the social security number or federal employer identification number within 60 days from the effective date of the suspension, the commissioner shall reinstate the intermediary's license effective as of the date of suspension.

SECTION 575m. 628.34 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

628.34 **(3)** (a) No insurer may unfairly discriminate among policyholders by charging different premiums or by offering different terms of coverage except on the basis of classifications related to the nature and the degree of the risk covered or the expenses involved, subject to ss. 632.365, ~~632.745~~ 632.746 and 632.748. Rates are not unfairly discriminatory if they are averaged broadly among persons insured under a group, blanket or franchise policy, and terms are not unfairly discriminatory merely because they are more favorable than in a similar individual policy.

SECTION 576b. 632.68 (2) (b) (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

632.68 **(2)** (b) (intro.) A person may apply to the commissioner for a viatical settlement provider license on a form prescribed by the commissioner for that purpose. The application form shall require the applicant to provide the applicant's social security number, if the applicant is a natural person, or the applicant's federal employer identification number, if the applicant is not a natural person. The fee specified in s. 601.31 (1) (mm) shall accompany the application. After any investigation of the applicant that the commissioner determines is sufficient, the commissioner shall issue a viatical settlement provider license to an applicant that satisfies all of the following:

SECTION 577b. 632.68 (2) (b) 2. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

632.68 **(2)** (b) 2. Provides complete information on the application, including the applicant's social security number or federal employer identification number.

SECTION 577m. 632.68 (2) (bc) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 632.68 (2) (bc) 1.

SECTION 578. 632.68 (2) (bc) 2. of the statutes is created to read:

632.68 **(2)** (bc) 2. The commissioner may disclose a social security number or federal employer identification number received under par. (b) or (e) to the department of revenue for the purpose of requesting certifications under s. 73.0301.

SECTION 578m. 632.68 (2) (bm) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 632.68 (2) (bm) 1.

SECTION 579. 632.68 (2) (bm) 2. of the statutes is created to read:

632.68 **(2)** (bm) 2. Notwithstanding par. (b), the commissioner may not issue a license under this subsection if the department of revenue certifies under s. 73.0301 that the applicant is liable for delinquent taxes.

SECTION 580m. 632.68 (2) (cm) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 632.68 (2) (cm) 1.

SECTION 581. 632.68 (2) (cm) 2. of the statutes is created to read:

632.68 **(2)** (cm) 2. If the commissioner denies an application for a license under this subsection for delinquent taxes, the applicant is entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to a hearing under par. (c).

SECTION 582b. 632.68 (2) (e) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

632.68 **(2)** (e) Except as provided in sub. (3), a license issued under this subsection shall be renewed annually on the anniversary date upon payment of the fee specified in s. 601.31 (1) (mp) and upon providing the licensee's social security number or federal employer identification number, as applicable, if not previously provided on the application for the license or at a previous renewal of the license.

SECTION 584m. 632.68 (3) (b) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 632.68 (3) (b) 1.

SECTION 585. 632.68 (3) (b) 2. of the statutes is created to read:

632.68 **(3)** (b) 2. The commissioner shall revoke or refuse to renew a viatical settlement provider license if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes.

SECTION 586b. 632.68 (4) (b) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

632.68 **(4)** (b) A person may apply to the commissioner for a viatical settlement broker license on a form prescribed by the commissioner for that purpose. The application form shall require the applicant to provide the applicant's social security number, if the applicant is a natural person, or the applicant's federal employer identification number, if the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) shall accompany

the application. The commissioner may not issue a license under this subsection unless the applicant provides his or her social security number or its federal employer identification number, whichever is applicable.

SECTION 586m. 632.68 (4) (bc) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 632.68 (4) (bc) 1.

SECTION 587. 632.68 (4) (bc) 2. of the statutes is created to read:

632.68 **(4)** (bc) 2. The commissioner may disclose a social security number or federal employer identification number received under par. (b) or (c) to the department of revenue for the purpose of requesting certifications under s. 73.0301.

SECTION 587m. 632.68 (4) (bm) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 632.68 (4) (bm) 1.

SECTION 588. 632.68 (4) (bm) 2. of the statutes is created to read:

632.68 **(4)** (bm) 2. The commissioner may not issue a license under this subsection if the department of revenue certifies under s. 73.0301 that the applicant is liable for delinquent taxes.

SECTION 589c. 632.68 (4) (c) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

632.68 **(4)** (c) Except as provided in sub. (5), a license issued under this subsection shall be renewed annually on the anniversary date upon payment of the fee specified in s. 601.31 (1) (ms) and upon providing the licensee's social security number or federal employer identification number, as applicable, if not previously provided on the application for the license or at a previous renewal of the license.

SECTION 591m. 632.68 (5) (b) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 632.68 (5) (b) 1.

SECTION 592. 632.68 (5) (b) 2. of the statutes is created to read:

632.68 **(5)** (b) 2. The commissioner shall revoke or refuse to renew a viatical settlement broker license if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes.

SECTION 593. 632.7495 (1) (a) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

632.7495 **(1)** (a) Except as provided in subs. (2) ~~and (3)~~ to (4) and notwithstanding s. 631.36 (2) to (4m), an insurer that provides individual health benefit plan coverage shall renew such coverage or continue such coverage in force at the option of the insured individual and, if applicable, the association through which the individual has coverage.

SECTION 594. 632.7495 (4) of the statutes is created to read:

632.7495 **(4)** Notwithstanding subs. (1) and (2) and s. 631.36 (4), an insurer is not required to renew individual health benefit plan coverage that is marketed and designed to provide short–term coverage as a bridge between coverages.

SECTION 594c. 632.853 of the statutes is created to read:

632.853 Coverage of drugs and devices. A health care plan, as defined in s. 628.36 (2) (a) 1., or a self–insured health plan, as defined in s. 632.85 (1) (c), that provides coverage of only certain specified prescription drugs or devices shall develop a process through which a physician may present medical evidence to obtain an individual patient exception for coverage of a prescription drug or device not routinely covered by the plan. The process shall include timelines for both urgent and nonurgent review.

SECTION 594d. 632.855 of the statutes is created to read:

632.855 Requirements if experimental treatment limited. (1) DEFINITIONS. In this section:

(a) "Health care plan" has the meaning given in s. 628.36 (2) (a) 1.

(b) "Self–insured health plan" has the meaning given in s. 632.85 (1) (c).

(2) DISCLOSURE OF LIMITATIONS. A health care plan or a self–insured health plan that limits coverage of experimental treatment shall define the limitation and disclose the limits in any agreement, policy or certificate of coverage. This disclosure shall include the following information:

(a) Who is authorized to make a determination on the limitation.

(b) The criteria the plan uses to determine whether a treatment, procedure, drug or device is experimental.

(3) DENIAL OF TREATMENT. A health care plan or a self–insured health plan that receives a request for prior authorization of an experimental procedure that includes all of the required information upon which to make a decision shall, within 5 working days after receiving the request, issue a coverage decision. If the health care plan or self–insured health plan denies coverage of an experimental treatment, procedure, drug or device for an insured who has a terminal condition or illness, the health care plan or self–insured health plan shall, as part of its coverage decision, provide the insured with a denial letter that includes all of the following:

(a) A statement setting forth the specific medical and scientific reasons for denying coverage.

(b) Notice of the insured's right to appeal and a description of the appeal procedure.

SECTION 594m. 632.895 (11) (a) (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

632.895 **(11)** (a) (intro.) ~~Every~~ Except as provided in par. (e), every disability insurance policy, and every self–insured health plan of the state or a county, city, village, town or school district, that provides coverage of any

diagnostic or surgical procedure involving a bone, joint, muscle or tissue shall provide coverage for diagnostic procedures and medically necessary surgical or nonsurgical treatment for the correction of temporomandibular disorders if all of the following apply:

SECTION 594n. 632.895 (11) (c) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 632.895 (11) (c) 1.

SECTION 594nm. 632.895 (11) (c) 2. of the statutes is created to read:

632.895 **(11)** (c) 2. Notwithstanding subd. 1., the coverage required under this subsection for diagnostic procedures and medically necessary nonsurgical treatment for the correction of temporomandibular disorders may not exceed $1,250 annually.

SECTION 594p. 632.895 (11) (d) of the statutes is created to read:

632.895 **(11)** (d) Notwithstanding par. (c) 1., an insurer or a self–insured health plan of the state or a county, city, village, town or school district may require that an insured obtain prior authorization for any diagnostic procedures or medically necessary surgical or nonsurgical treatment for the correction of temporomandibular disorders.

Vetoed In Part

SECTION 594q. 632.895 (11) (e) of the statutes is created to read:

632.895 **(11)** (e) This subsection does not apply to any of the following:

1. A disability insurance policy that covers only dental care.

2. A medicare supplement policy, as defined in s. 600.03 (28r).

SECTION 594r. 632.895 (12) (b) (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

632.895 **(12)** (b) (intro.) ~~Every~~ Except as provided in par. (d), every disability insurance policy, and every self–insured health plan of the state or a county, city, village, town or school district, shall cover hospital or ambulatory surgery center charges incurred, and anesthetics provided, in conjunction with dental care that is provided to a covered individual in a hospital or ambulatory surgery center, if any of the following applies:

SECTION 594s. 632.895 (12) (d) of the statutes is created to read:

632.895 **(12)** (d) This subsection does not apply to a disability insurance policy that covers only dental care.

SECTION 595. 632.897 (4) (d) (intro.) of the statutes is amended to read:

632.897 **(4)** (d) (intro.) This subsection does not require individual coverage to be offered by an insurer offering group policies only. This subsection does not require an insurer to issue~~, or continue in force,~~ an individual conversion policy covering a terminated insured or his or her spouse or dependent if benefits provided or available to the covered person under subds. 1. to 3., together with the converted policy's benefits, would result in overinsurance according to the insurer's standards for overinsurance, and these standards have been filed with and approved by the commissioner prior to use:

SECTION 597. 633.14 (2) (d) of the statutes is created to read:

633.14 **(2)** (d) Provides its federal employer identification number.

SECTION 597m. 633.14 (2c) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 633.14 (2c) (a).

SECTION 598. 633.14 (2c) (b) of the statutes is created to read:

633.14 **(2c)** (b) The commissioner may disclose any information received under sub. (1) (d) or (2) (d) or s. 633.15 (1m) to the department of revenue for the purpose of requesting certifications under s. 73.0301.

SECTION 598m. 633.14 (2m) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is renumbered 633.14 (2m) (a).

SECTION 599. 633.14 (2m) (b) of the statutes is created to read:

633.14 **(2m)** (b) Notwithstanding subs. (1) and (2), the commissioner may not issue a license under this section if the department of revenue certifies under s. 73.0301 that the applicant is liable for delinquent taxes.

SECTION 600. 633.15 (1m) of the statutes, as created by 1997 Wisconsin Act .... (Senate Bill 494), is repealed and recreated to read:

633.15 **(1m)** SOCIAL SECURITY OR FEDERAL EMPLOYER IDENTIFICATION NUMBER. At an annual renewal, an administrator shall provide his or her social security number, if the administrator is an individual, or its federal employer identification number, if the administrator is a corporation, limited liability company or partnership, if the social security number or federal employer identification number was not previously provided on the application for the license or at a previous renewal of the license.

SECTION 600c. 633.15 (2) (a) (title) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

633.15 **(2)** (a) (title) *Nonpayment of annual renewal fee or failure to provide social security number or federal employer identification number.*

SECTION 600d. 633.15 (2) (a) 1. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

633.15 **(2)** (a) 1. If an administrator fails to pay the annual renewal fee as provided under sub. (1) or fails to provide a social security number or federal employer identification number as required under sub. (1m), the commissioner shall suspend the administrator's license effective the day following the last day when the annual renewal fee may be paid, if the commissioner has given the administrator reasonable notice of when the fee must be paid to avoid suspension.

SECTION 600e. 633.15 (2) (a) 2. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

633.15 **(2)** (a) 2. If, within 60 days from the effective date of suspension under subd. 1., an administrator pays the annual renewal fee or provides the social security number or federal employer identification number, or both if the suspension was based upon a failure to do both, the commissioner shall reinstate the administrator's license effective as of the date of suspension.

SECTION 600f. 633.15 (2) (a) 3. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

633.15 **(2)** (a) 3. If payment is not made or the social security number or federal employer identification number is not provided within 60 days from the effective date of suspension under subd. 1., the commissioner shall revoke the administrator's license.

SECTION 601. 633.15 (2) (b) 1. (intro.) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

633.15 **(2)** (b) 1. (intro.) Except as provided in ~~par.~~ pars. (c) and (d), the commissioner may revoke, suspend or limit the license of an administrator after a hearing if the commissioner makes any of the following findings:

SECTION 602. 633.15 (2) (d) of the statutes is created to read:

633.15 **(2)** (d) *For liability for delinquent taxes.* The commissioner shall revoke or refuse to renew a license issued under s. 633.14 if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes.

SECTION 602c. 645.69 (1) of the statutes is amended to read:

645.69 **(1)** A claim against a health maintenance organization insurer or an insurer described in s. 609.91 (1m) for health care costs, as defined in s. 609.01 (1j), for which an ~~enrolled participant~~ enrollee, as defined in s. 609.01 (1d), policyholder or insured of the health maintenance organization insurer or other insurer is not liable under ss. 609.91 to 609.935.

SECTION 602e. 645.69 (2) of the statutes is amended to read:

645.69 **(2)** A claim for health care costs, as defined in s. 609.01 (1j), for which an ~~enrolled participant~~ enrollee, as defined in s. 609.01 (1d), or policyholder of a health maintenance organization is not liable for any reason.

SECTION 602g. 646.31 (1) (d) 8. of the statutes is amended to read:

646.31 **(1)** (d) 8. Made for health care costs, as defined in s. 609.01 (1j), for which an ~~enrolled participant~~ enrollee, as defined in s. 609.01 (1d), or policyholder of a health maintenance organization insurer is not liable under ss. 609.91 to 609.935.

SECTION 602i. 646.31 (1) (d) 9. of the statutes is amended to read:

646.31 **(1)** (d) 9. Made for health care costs, as defined in s. 609.01 (1j), for which an ~~enrolled participant~~ enrollee, as defined in s. 609.01 (1d), or policyholder of a health maintenance organization is not liable for any reason.

SECTION 603. 701.06 (5) (intro.) of the statutes is amended to read:

701.06 **(5)** CLAIMS FOR PUBLIC SUPPORT. (intro.) Notwithstanding any provision in the creating instrument or subs. (1) and (2), if the settlor is legally obligated to pay for the public support of a beneficiary under s. 46.10 or 301.12 or the beneficiary is legally obligated to pay for the beneficiary's public support or that furnished the beneficiary's spouse or minor child under s. 46.10 or 301.12, upon application by the appropriate state department or county official, the court may:

SECTION 604. 751.15 of the statutes is created to read:

751.15 Rules regarding the practice of law. (1) The supreme court is requested to enter into a memorandum of understanding with the department of revenue under s. 73.0301.

(2) The supreme court is requested to promulgate rules that require each person, as a condition of membership in the state bar, to provide the board of bar examiners with his or her social security number and that prohibit the disclosure of that number to any person except the department of revenue for the sole purpose of making certifications under s. 73.0301.

(3) The supreme court is requested to promulgate rules that deny an application for a license to practice law or revoke a license to practice law already issued if the applicant or licensee fails to provide the information required under rules promulgated under sub. (2) or if the department of revenue certifies that the applicant or licensee is liable for delinquent taxes under s. 73.0301.

SECTION 605. 753.075 (3) (a) of the statutes is amended to read:

753.075 **(3)** (a) Temporary reserve judges shall receive a per diem of ~~$205~~ $255.66. Commencing August 1, ~~1993, temporary reserve judges shall receive a per diem of $225. Commencing August 2, 1994, and every August 2 thereafter~~ 1998, the per diem for temporary reserve judges shall be increased by the same percentage increase ~~as the total percentage increase in~~ authorized for circuit court judges' salaries ~~authorized during the preceding 12–month period ending on August 1~~. While serving outside the county in which they reside temporary reserve judges shall also receive actual and necessary expenses incurred in the discharge of judicial duties. This per diem compensation is not subject to s. 40.26 but the combined amount of this compensation and any other judicial compensation together with retirement annuities under the Wisconsin retirement system, the Milwaukee county retirement fund and other state, county, municipal, or other Wisconsin governmental retirement funds received by him or her during any one calendar year shall

not exceed the yearly compensation of a circuit judge. The per diem compensation and actual and necessary expenses shall be paid from the appropriation under s. 20.625 (1) (a) when the judge is assigned to a circuit court and from the appropriation under s. 20.660 (1) (a) when the judge is assigned to the court of appeals.

SECTION 605b. 758.19 (4m) of the statutes is repealed.

SECTION 605c. 758.19 (6) (b) of the statutes is amended to read:

758.19 **(6)** (b) From the appropriation under s. 20.625 (1) (e), the director of state courts, beginning on July 1, 1995, shall annually on July 1 pay ~~to each county~~ the county's share, as determined under par. (c), of the total appropriation under s. 20.625 (1) (e)~~. The payment is designed~~ to defray a county's guardian ad litem costs ~~but, except as provided in par. (d), the director of state courts may not require a county to account for the county's guardian ad litem costs or the manner in which or the purposes for which the county expends the payment~~. The payment shall be made only to those counties that submit the information required under par. (d) by the preceding May 15.

SECTION 605g. 758.19 (6) (d) (intro.) of the statutes is amended to read:

758.19 **(6)** (d) (intro.) Annually, no later than ~~July 1~~ May 15, each county shall submit to the director of state courts, in a format that the director of state courts establishes, all of the following:

SECTION 605j. 758.19 (6) (e) of the statutes is created to read:

758.19 **(6)** (e) 1. No county may receive a payment under subd. 2. or par. (b) that results in the county receiving more than the total cost of guardian ad litem compensation that the county incurred and reported to the director of state courts under par. (d) 1.

2. After calculating the payment amount for each county under par. (c) 2., the director of state courts shall distribute any money remaining, after deducting the amount to be paid under par. (b), to those counties that reported as required under par. (d) and whose payment amount under par. (b) is less than the total cost of guardian ad litem compensation that the county incurred and reported to the director of state courts under par. (d) 1. The additional amount distributed to a county under this subdivision shall be determined by using the procedures under par. (c) 2., except that the sum to be used in the multiplication shall be the money remaining after deducting the amount to be paid under par. (b). The money to be distributed under this subdivision shall be added to the amount to be paid under par. (b) and made as a single payment to each county on July 1.

SECTION 606. 767.32 (1) (b) 4. of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

767.32 **(1)** (b) 4. A difference between the amount of child support ordered by the court to be paid by the payer and the amount that the payer would have been required to pay based on the percentage standard established by the department under s. 49.22 (9) if the court did not use the percentage standard in determining the child support payments and did not provide the information required under s. 46.10 (14) (d), 301.12 (14) (d), 767.25 (1n) , 767.51 (5d) or 767.62 (4) (f), whichever is appropriate.

SECTION 607. 767.32 (2r) of the statutes is amended to read:

767.32 **(2r)** If the court revises a judgment or order providing for child support that was entered under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 ~~(2)~~, 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2), the court shall determine child support in the manner provided in s. 46.10 (14) or 301.12 (14), whichever is applicable.

SECTION 608. 767.32 (2s) of the statutes, as affected by 1997 Wisconsin Act .... (Senate Bill 494), is amended to read:

767.32 **(2s)** In an action under sub. (1), the court may not approve a stipulation for the revision of a judgment or order with respect to an amount of child support or family support unless the stipulation provides for payment of an amount of child support or family support that is determined in the manner required under s. 46.10 (14), 301.12 (14), 767.25 , 767.51 or 767.62 (4), whichever is appropriate.

SECTION 609. 779.14 (1) (title) of the statutes is created to read:

779.14 **(1)** (title) DEFINITION.

SECTION 610. 779.14 (1e) (title) of the statutes is created to read:

779.14 **(1e)** (title) CONTRACT REQUIREMENTS REGARDING DUTIES OF PRIME CONTRACTOR.

SECTION 611. 779.14 (1e) (b) of the statutes is created to read:

779.14 **(1e)** (b) All contracts that are in excess of $30,000, as indexed under sub. (1s), and that are for the performance of labor or furnishing materials for a public improvement or public work shall contain a provision under which the prime contractor agrees, to the extent practicable, to maintain a list of all subcontractors and suppliers performing labor or furnishing materials under the contract.

SECTION 612. 779.14 (1m) (title) of the statutes is created to read:

779.14 **(1m)** (title) PAYMENT AND PERFORMANCE ASSURANCE REQUIREMENTS.

SECTION 613. 779.14 (1m) (a) of the statutes, as affected by 1997 Wisconsin Acts 27 and 39, is renumbered 779.14 (1e) (a) and amended to read:

779.14 **(1e)** (a) All contracts ~~with the state~~ involving ~~$2,500 or more and all other contracts involving $500~~ $10,000 or more for the performance of labor or furnish-

ing materials when the same pertains to any public improvement or public work shall contain a provision for the payment by the prime contractor of all claims for labor performed and materials furnished, used or consumed in making the public improvement or performing the public work, including, without limitation because of enumeration, fuel, lumber, building materials, machinery, vehicles, tractors, equipment, fixtures, apparatus, tools, appliances, supplies, electric energy, gasoline, motor oil, lubricating oil, greases, state imposed taxes, premiums for worker's compensation insurance and contributions for unemployment insurance.

SECTION 614. 779.14 (1m) (b) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

SECTION 615. 779.14 (1m) (b) 1m. of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 779.14 (1m) (f) and amended to read:

779.14 **(1m)** (f) (title) *Direct purchase contracts.* ~~The bonding requirement under subd. 1. does~~ Paragraphs (c) and (d) do not apply to a contract for the direct purchase of materials by the state or by a local unit of government.

SECTION 616. 779.14 (1m) (b) 2. of the statutes is renumbered 779.14 (1m) (e) 2., and 779.14 (1m) (e) 2. (intro.) and b., as renumbered, are amended to read:

779.14 **(1m)** (e) 2. (intro.) ~~The~~ A bond required under par. (c) or (d) shall carry a penalty of not less than the contract price, and shall be conditioned for all of the following:

b. The payment to every person, including every subcontractor or supplier, of all claims that are entitled to payment for labor performed and materials furnished for the purpose of making the public improvement or performing the public work as provided in the contract and ~~this subsection~~ sub. (1e) (a).

SECTION 617. 779.14 (1m) (b) 3. of the statutes is renumbered 779.14 (1m) (e) 3. and amended to read:

779.14 **(1m)** (e) 3. ~~The~~ A bond required under par. (c) shall be approved for the state by the state official authorized to enter the contract~~,~~. A bond required under par. (d) shall be approved for a county by its corporation counsel, for a city by its mayor, for a village by its president, for a town by its chairperson, for a school district by its president and for any other public board or body by the presiding officer thereof.

SECTION 618. 779.14 (1m) (b) 4. of the statutes is renumbered 779.14 (1m) (e) 4. and amended to read:

779.14 **(1m)** (e) 4. No assignment, modification or change of the contract, change in the work covered thereby or extension of time for the completion of the contract may release the sureties on ~~the~~ a bond required under par. (c) or (d).

SECTION 619. 779.14 (1m) (b) 5. of the statutes is renumbered 779.14 (1m) (e) 5. and amended to read:

779.14 **(1m)** (e) 5. Neither the invitation for bids nor the person having power to approve the prime contractor's bond may require that ~~the~~ a bond required under par. (c) or (d) be furnished by a specified surety company or through a specified agent or broker.

SECTION 620. 779.14 (1m) (c) and (d) of the statutes are created to read:

779.14 **(1m)** (c) *State contracts.* The following requirements apply to contracts with the state for the performance of labor or furnishing materials for a public improvement or public work:

1. In the case of a contract with a contract price exceeding $10,000, as indexed under sub. (1s), but not exceeding $100,000, as indexed under sub. (1s):

a. The contract shall include a provision which allows the state to make direct payment to subcontractors or to pay the prime contractor with checks that are made payable to the prime contractor and to one or more subcontractors. This subd. 1. a. does not apply to any contract entered into by the state under authority granted under chs. 84, 85 and 86. This subd. 1. a. also does not apply to any contract with a town, city, village, county or school district for the construction, improvement, extension, repair, replacement or removal of a transportation facility, as defined under s. 84.185 (1) (d); bikeway, as defined under s. 84.60 (1) (a); bridge; parking lot or airport facility.

b. The contract shall comply with written standards established by the department of administration. Written standards established under this subd. 1. b. shall include criteria for determining whether the contract requires payment or performance assurances and, if so, what payment or performance assurances are required.

2. In the case of a contract with a contract price exceeding $100,000, as indexed under sub. (1s), but not exceeding $250,000, as indexed under sub. (1s):

a. The contract shall include a provision which allows the state to make direct payment to subcontractors or to pay the prime contractor with checks that are made payable to the prime contractor and to one or more subcontractors. This subd. 2. a. does not apply to any contract entered into by the state under authority granted under chs. 84, 85 and 86. This subd. 2. a. also does not apply to any contract with a town, city, village, county or school district for the construction, improvement, extension, repair, replacement or removal of a transportation facility, as defined under s. 84.185 (1) (d); bikeway, as defined under s. 84.60 (1) (a); bridge; parking lot or airport facility.

b. The contract shall require the prime contractor to provide a payment and performance bond meeting the requirements of par. (e), unless the department of administration allows the prime contractor to substitute a different payment assurance for the payment and performance bond. The department of administration may allow a prime contractor to substitute a different payment and performance assurance for the payment and performance bond only after the contract has been awarded and only if the substituted payment and performance assurance is

for an amount at least equal to the contract price and is in the form of a bond, an irrevocable letter of credit or an escrow account acceptable to the department of administration. The department of administration shall establish written standards under this subd. 2. b. governing when a different payment and performance assurance may be substituted for a payment and performance bond under par. (e).

3. In the case of a contract with a contract price exceeding $250,000, as indexed under sub. (1s), the contract shall require the prime contractor to obtain a payment and performance bond meeting the requirements under par. (e).

(d) *Local government contracts.* The following requirements apply to contracts, other than contracts with the state, for the performance of labor or furnishing materials for a public improvement or public work:

1. In the case of a contract with a contract price exceeding $10,000, as indexed under sub. (1s), but not exceeding $50,000, as indexed under sub. (1s):

a. The contract shall include a provision which allows the governmental body that is authorized to enter into the contract to make direct payment to subcontractors or to pay the prime contractor with checks that are made payable to the prime contractor and to one or more subcontractors. This subd. 1. a. does not apply to any contract with a town, city, village, county or school district for the construction, improvement, extension, repair, replacement or removal of a transportation facility, as defined under s. 84.185 (1) (d); bikeway, as defined under s. 84.60 (1) (a); bridge; parking lot or airport facility.

b. The contract shall comply with written standards established by the public body authorized to enter into the contract. Written standards established under this subd. 1. b. shall include criteria for determining whether the contract requires payment or performance assurances and, if so, what payment or performance assurances are required.

2. In the case of a contract with a contract price exceeding $50,000, as indexed under sub. (1s), but not exceeding $100,000, as indexed under sub. (1s):

a. The contract shall include a provision which allows the governmental body that is authorized to enter into the contract to make direct payment to subcontractors or to pay the prime contractor with checks that are made payable to the prime contractor and to one or more subcontractors. This subd. 2. a. does not apply to any contract with a town, city, village, county or school district for the construction, improvement, extension, repair, replacement or removal of a transportation facility, as defined under s. 84.185 (1) (d); bikeway, as defined under s. 84.60 (1) (a); bridge; parking lot or airport facility.

b. The contract shall require the prime contractor to provide a payment and performance bond meeting the requirements of par. (e), unless the public body authorized to enter into the contract allows the prime contractor to substitute a different payment assurance for the payment and performance bond. The public body may allow a prime contractor to substitute a different payment and performance assurance for the payment and performance bond only if the substituted payment and performance assurance is for an amount at least equal to the contract price and is in the form of a bond, an irrevocable letter of credit or an escrow account acceptable to the public body. The public body shall establish written standards under this subd. 2. b. governing when a different payment and performance assurance may be substituted for a payment and performance bond under par. (e).

3. In the case of a contract with a contract price exceeding $100,000, as indexed under sub. (1s), the contract shall require the prime contractor to obtain a payment and performance bond meeting the requirements under par. (e).

SECTION 621. 779.14 (1m) (e) (title) of the statutes is created to read:

779.14 **(1m)** (e) *Bonding requirements.*

SECTION 622. 779.14 (1s) of the statutes is created to read:

779.14 **(1s)** INDEXING OF CONTRACT THRESHOLDS. If a dollar amount is to be indexed under this subsection, the department of workforce development shall adjust the dollar amount biennially, the first adjustment to be made not sooner than December 1, 1998. The adjustment shall be in proportion to any change in construction costs since the effective date of this subsection under this subsection, or the last adjustment whichever is later. No adjustment shall be made for a biennium, if the adjustment to be made would be less than 5%.

SECTION 623. 779.14 (2) (title) of the statutes is created to read:

779.14 **(2)** (title) ACTIONS ON A PERFORMANCE AND PAYMENT BOND.

SECTION 624. 779.14 (2) (a) 2. of the statutes is amended to read:

779.14 **(2)** (a) 2. Except as provided in subd. 3., failure of the prime contractor or a subcontractor of the prime contractor to comply with a contract, whether express or implied, with a subcontractor or supplier for the performance of labor or furnishing of materials for the purpose of making the public improvement or performing the public work that is the subject of the contract ~~under sub. (1m)~~ with the governmental entity.

SECTION 625. 779.14 (2) (a) 3. of the statutes is amended to read:

779.14 **(2)** (a) 3. With respect to contracts entered into under s. 84.06 (2) for highway improvements, failure of the prime contractor to comply with a contract, whether express or implied, with a subcontractor or supplier of the prime contractor for the performance of labor or furnishing of materials for the purpose of making the highway improvement that is the subject of the contract ~~under sub. (1m)~~ with the governmental entity.

SECTION 626. 779.14 (2) (am) 2. c. of the statutes is amended to read:

779.14 **(2)** (am) 2. c. The subcontractor or supplier is listed in the list required to be maintained under sub. ~~(1m) (b) 1.~~ (1e) (b) or in a written contract, or in a document appended to a written contract, between a subcontractor or supplier and the prime contractor.

SECTION 627. 779.14 (3) (title) of the statutes is created to read:

779.14 **(3)** (title) ACTIONS BY A COUNTY.

SECTION 641. 788.01 of the statutes is amended to read:

788.01 Arbitration clauses in contracts enforceable. A provision in any written contract to settle by arbitration a controversy thereafter arising out of such contract, or out of the refusal to perform the whole or any part thereof, or an agreement in writing between two or more persons to submit to arbitration any controversy existing between them at the time of the agreement to submit, shall be valid, irrevocable and enforceable save upon such grounds as exist at law or in equity for the revocation of any contract. This chapter shall not apply to contracts between employers and employes, or between employers and associations of employes, except as provided in s. 111.10, nor to agreements to arbitrate disputes under s. 101.143 (6s) or 230.44 (4) (bm).

SECTION 670g. 814.69 (2) of the statutes is repealed.

SECTION 671. 859.07 (2) of the statutes is amended to read:

859.07 **(2)** If the decedent was at the time of death or at any time prior thereto a patient or inmate of any state or county hospital or institution or any person responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10, 48.36, 301.03 (18), 301.12 or 938.36 or if the decedent or the spouse of the decedent ever received medical assistance under subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685, the personal representative shall send notice in writing of the date set under s. 859.01 by registered or certified mail to the department of health and family services or the department of corrections, as applicable, and the county clerk of the applicable county not less than 30 days before the date set under s. 859.01, upon such blanks and containing such information as the applicable department or county clerk may provide. The applicable county is the county of residence, as defined in s. 49.001 (6).

SECTION 672. 880.33 (2) (a) 3. of the statutes is amended to read:

880.33 **(2)** (a) 3. If the person is an adult who is indigent, the county of legal settlement shall be the county liable for any fees due the guardian ad litem and, if counsel was not appointed under s. 977.08, for any legal fees due the person's legal counsel. If the person is a minor, the person's parents or the county of legal settlement shall be liable for any fees due the guardian ad litem as provided in s. 48.235 (8).

SECTION 673. 880.331 (8) of the statutes is amended to read:

880.331 **(8)** COMPENSATION. On order of the court, the guardian ad litem appointed under this chapter shall be allowed reasonable compensation to be paid by the county of venue, unless the court otherwise directs or unless the guardian ad litem is appointed for a minor, in which case the compensation of the guardian ad litem shall be paid by the minor's parents or the county of venue as provided in s. 48.235 (8). If the court orders a county to pay the compensation of the guardian ad litem, the amount ordered may not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b).

SECTION 677m. 893.98 of the statutes is created to read:

893.98 Cessation of health care benefits notification. An action arising under s. 109.075 (3) is subject to the limitations under s. 109.075 (4) (d).

SECTION 678j. 895.515 (1) (b) of the statutes is amended to read:

895.515 **(1)** (b) "Institution of higher education" means ~~a center or~~ an institution within the University of Wisconsin System, a technical college or a private, nonprofit institution of higher education located in this state.

SECTION 678m. 895.56 of the statutes is created to read:

895.56 Liability exemption; handling of petroleum–contaminated soil under contract with the department of transportation. (1) In this section:

(a) "Person" means an individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency, as defined in s. 1.12 (1) (b), or federal agency.

(b) "Petroleum–contaminated soil" means soil contaminated with material derived from petroleum, natural gas or asphalt deposits, including gasoline, diesel and heating fuels, liquified petroleum gases, lubricants, waxes, greases and petrochemicals.

(2) A person is immune from liability arising under s. 292.11 and from any liability for the removal or remedying of petroleum–contaminated soil or for damages resulting from the person's actions or omissions relating to petroleum–contaminated soil if all of the following apply:

(a) The acts or omissions by the person occurred while performing a contract entered into under s. 84.06 (2), including acts or omissions by any person who has a direct contractual relationship with the prime contractor, as defined in s. 779.01 (2) (d), under a contract entered into under s. 84.06 (2) to perform labor or furnish materials.

(b) In the course of performing a contract described in par. (a), petroleum–contaminated soil was encoun-

tered on the property on which the contracted activity is taking place, and the petroleum−contaminated soil cannot be avoided in performing the contract.

(c) The acts or omissions involving petroleum−contaminated soil on the property were required by reasonably precise specifications in the contract entered into under s. 84.06 (2), and the acts or omissions conformed to those specifications, or were otherwise directed by the department of transportation or by the department of natural resources.

(3) Subsection (2) does not apply to any person to whom any of the following applies:

(a) The person brought petroleum−contaminated soil onto the property or otherwise caused the initial contamination of the property with a hazardous substance, as defined in s. 292.01 (5).

(b) The person's act or omission constitutes gross negligence or involves reckless, wanton or intentional misconduct.

(c) The person fails to warn the department of transportation or the department of natural resources about the presence of petroleum−contaminated soil encountered at the site, if the petroleum−contaminated soil was reasonably known to the person but not to the department of transportation or to the department of natural resources.

(d) The person is under a previous or separate contract with a state agency, as defined in s. 1.12 (1) (b), solely to remove or remedy petroleum−contaminated soil or hazardous substances on the property.

(e) The person causes personal injury or wrongful death.

SECTION 678p. 895.65 (1) (b) 2. of the statutes is amended to read:

895.65 **(1)** (b) 2. A person who is, or whose immediate supervisor is, assigned to an executive salary group <u>or university senior executive salary group</u> under s. 20.923.

SECTION 680. 938.21 (5) (b) of the statutes is amended to read:

938.21 **(5)** (b) An order relating to a juvenile held in custody outside of his or her home shall also describe any efforts that were made to permit the juvenile to remain at home and the services that are needed to ensure the juvenile's well−being, to enable the juvenile to return <u>safely</u> to his or her home and to involve the parents in planning for the juvenile.

SECTION 681. 938.235 (8) of the statutes is renumbered 938.235 (8) (a) and amended to read:

938.235 **(8)** (a) ~~On order of the court, the~~ <u>A</u> guardian ad litem appointed under this chapter shall be ~~allowed reasonable compensation to be paid by the county of venue. If~~ <u>compensated at a rate that the court determines is reasonable, except that, if</u> the court orders a county to pay the compensation of the guardian ad litem, the amount ordered may not exceed the compensation ~~paid to private attorneys~~ <u>payable to a private attorney</u> under s. 977.08 (4m) (b).

SECTION 682. 938.235 (8) (b), (c), (d) and (e) of the statutes are created to read:

938.235 **(8)** (b) The court may order either or both of the parents of a juvenile for whom a guardian ad litem is appointed under this chapter to pay all or any part of the compensation of the guardian ad litem. In addition, upon motion by the guardian ad litem, the court may order either or both of the parents of the juvenile to pay the fee for an expert witness used by the guardian ad litem, if the guardian ad litem shows that the use of the expert is necessary to assist the guardian ad litem in performing his or her functions or duties under this chapter. If one or both parents are indigent or if the court determines that it would be unfair to a parent to require him or her to pay, the court may order the county of venue to pay the compensation and fees, in whole or in part. If the court orders the county of venue to pay because a parent is indigent, the court may also order either or both of the parents to reimburse the county, in whole or in part, for the payment.

(c) At any time before the final order in a proceeding in which a guardian ad litem is appointed for a juvenile under this chapter, the court may order a parent of the juvenile to place payments in an escrow account in an amount estimated to be sufficient to pay any compensation and fees payable under par. (b).

(d) If the court orders a parent to reimburse a county under par. (b), the court may order a separate judgment for the amount of the reimbursement in favor of the county and against the parent who is responsible for the reimbursement.

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

SECTION 683. 938.27 (3) (a) 1m. of the statutes is created to read:

938.27 **(3)** (a) 1m. The court shall give a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under subd. 1. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 684. 938.27 (3) (a) 2. of the statutes is amended to read:

938.27 **(3)** (a) 2. Failure to give notice under subd. 1. to a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding. If a

foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1. ~~and if the court is required under this chapter to permit that person to make a written or oral statement at the hearing or to submit a written statement prior to the hearing and that person does not make or submit such statement~~, that person may request a rehearing on the matter during the pendency of an order resulting from the hearing. If the request is made, the court shall order a rehearing.

SECTION 685. 938.27 (6) of the statutes is amended to read:

938.27 **(6)** When a proceeding is initiated under s. 938.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court, consistent with applicable governing statutes. In addition, if the juvenile who is the subject of the proceeding is in the care of a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), the court shall give the foster parent, treatment foster parent or other physical custodian notice and an opportunity to be heard as provided in sub. (3) (a).

SECTION 686. 938.296 (6) of the statutes is amended to read:

938.296 **(6)** The court may order the county to pay for the cost of a test or series of tests ordered under sub. (4). This subsection does not prevent recovery of reasonable contribution toward the cost of that test or series of tests from the parent or guardian of the juvenile as the court may order based on the ability of the parent or guardian to pay. This subsection is subject to s. ~~46.03~~ 301.03 (18).

SECTION 687. 938.30 (6) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is repealed and recreated to read:

938.30 **(6)** If a petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days from the plea hearing for a juvenile who is held in secure custody and no more than 30 days from the plea hearing for a juvenile who is not held in secure custody. If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and listing the factors that a court may consider under s. 301.12 (14) (c). If all parties consent the court may proceed immediately with the dispositional hearing. If a citation is not contested, the court may proceed immediately to enter a dispositional order.

SECTION 688. 938.31 (7) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is repealed and recreated to read:

938.31 **(7)** At the close of the fact–finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days after the fact–finding hearing for a juvenile in secure custody and no more than 30 days after the fact–finding hearing for a juvenile not held in secure custody. If it appears to the court that disposition of the case may include placement of the juvenile outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and listing the factors that a court may consider under s. 301.12 (14) (c). If all parties consent, the court may immediately proceed with a dispositional hearing.

SECTION 689. 938.33 (4m) (intro.) of the statutes is amended to read:

938.33 **(4m)** SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In making a recommendation for an amount of child support under sub. (3) or (4), the agency shall consider the factors that the court considers under s. ~~46.10~~ 301.12 (14) (c) for deviation from the percentage standard. At or before the dispositional hearing under s. 938.335, the agency shall provide the juvenile's parent with all of the following:

SECTION 690. 938.33 (4m) (b) of the statutes is amended to read:

938.33 **(4m)** (b) A written explanation of how the parent may request that the court modify the amount of child support under s. ~~46.10~~ 301.12 (14) (c).

SECTION 691. 938.355 (2) (b) 6. of the statutes is amended to read:

938.355 **(2)** (b) 6. If the juvenile is placed outside the home and if sub. (2d) does not apply, the court's finding as to whether a county department which provides social services or the agency primarily responsible for ~~the provision of~~ providing services under a court order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, or, if applicable, ~~that~~ the court's finding as to whether the agency primarily responsible for ~~the provision of~~ providing services under a court order has made reasonable efforts to make it possible for the juvenile to return safely to his or her home.

SECTION 692. 938.355 (2b) of the statutes is created to read:

938.355 **(2b)** CONCURRENT REASONABLE EFFORTS PERMITTED. A county department that provides social services or the agency primarily responsible for providing services to a juvenile under a court order may, at the same time as the county department or agency is making the reasonable efforts required under sub. (2) (b) 6., work with the department of health and family services, a county department under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a guardian or in some other alternative permanent placement.

SECTION 693. 938.355 (2c) (a) (intro.) of the statutes is amended to read:

938.355 **(2c)** (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as to whether a county department which provides social services or the agency primarily responsible for providing services to the juvenile under a court order has made reasonable efforts to prevent the removal of the juvenile from his or her home, while assuring that the juvenile's health and safety are the paramount concerns, the court's consideration of reasonable efforts shall include, but not be limited to, whether:

SECTION 694. 938.355 (2c) (a) 1. of the statutes is amended to read:

938.355 **(2c)** (a) 1. A comprehensive assessment of the family's situation was completed, including a determination of the likelihood of protecting the juvenile's health, safety and welfare effectively in the home.

SECTION 695. 938.355 (2c) (b) of the statutes is amended to read:

938.355 **(2c)** (b) When a court makes a finding under sub. (2) (b) 6. as to whether the agency primarily responsible for providing services to the juvenile under a court order has made reasonable efforts to make it possible for the juvenile to return safely to his or her home, the court's consideration of reasonable efforts shall include, but not be limited to, the considerations listed under par. (a) 1. to 5. and whether visitation schedules between the juvenile and his or her parents were implemented, unless visitation was denied or limited by the court.

SECTION 696. 938.355 (2d) of the statutes is created to read:

938.355 **(2d)** REASONABLE EFFORTS NOT REQUIRED. (a) In this subsection:

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

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

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

1. That the parent has subjected the juvenile to aggravated circumstances.

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

3. That the parent has committed a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in great bodily harm, as defined in s. 938.22 (14), or in substantial bodily harm, as defined in s. 938.22 (38), to the juvenile or another child of the parent.

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

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

SECTION 697. 938.357 (2r) of the statutes, as created by 1997 Wisconsin Act 80, is amended to read:

938.357 **(2r)** If a hearing is held under sub. (1) or (2m) and the change in placement would remove a juvenile from a foster home, treatment foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall ~~permit~~ give the foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent or other

physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement. Any written or oral statement made under this subsection shall be made under oath or affirmation. A foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) or (2m) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 698. 938.357 (5m) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

938.357 **(5m)** If a proposed change in placement changes a juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the court shall order the juvenile's parent to provide a statement of income, assets, debts and living expenses to the court or the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of workforce development under s. 49.22 (9) and listing the factors that a court may consider under s. ~~46.10~~ 301.12 (14) (c). If the juvenile is placed outside the juvenile's home, the court shall determine the liability of the parent in the manner provided in s. ~~46.10~~ 301.12 (14).

SECTION 699. 938.36 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

938.36 **(1)** (a) If legal custody is transferred from the parent or guardian or the court otherwise designates an alternative placement for the juvenile by a disposition made under s. 938.183, 938.34 or 938.345 or by a change in placement under s. 938.357, the duty of the parent or guardian to provide support shall continue even though the legal custodian or the placement designee may provide the support. A copy of the order transferring custody or designating alternative placement for the juvenile shall be submitted to the agency or person receiving custody or placement and the agency or person may apply to the court for an order to compel the parent or guardian to provide the support. Support payments for residential services, when purchased or otherwise funded or provided by the department of corrections, or a county department under s. 46.215, 46.22~~,~~ or 46.23, ~~51.42 or 51.437,~~ shall be determined under s. ~~46.10~~ 301.12 (14). Support payments for residential services, when purchased or otherwise funded by the department of health and family services, or a county department under s. 51.42 or 51.437, shall be determined under s. 46.10 (14).

SECTION 700. 938.36 (2) of the statutes is amended to read:

938.36 **(2)** If a juvenile whose legal custody has not been taken from a parent or guardian is given educational and social services, or medical, psychological or psychiatric treatment by order of the court, the cost thereof, if ordered by the court, shall be a charge upon the county. This section does not prevent recovery of reasonable contribution toward the costs from the parent or guardian of the juvenile as the court may order based on the ability of the parent or guardian to pay. This subsection is subject to s. ~~46.03~~ 301.03 (18).

SECTION 701. 938.363 (1m) of the statutes, as affected by 1997 Wisconsin Acts 35 and 80, is amended to read:

938.363 **(1m)** If a hearing is held under sub. (1), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall ~~permit~~ give a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. Any written or oral statement made under this subsection shall be made under oath or affirmation. A foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 702. 938.365 (1) of the statutes is amended to read:

938.365 **(1)** In this section, ~~"2 or more years" means a period of time that begins with the first placement of the juvenile~~ a juvenile is considered to have been placed outside of his or her home ~~pursuant to an order under this section or s. 938.345, 938.357 or 938.363 and includes any period of time in which the juvenile returned home, unless the periods of time at home account for the majority of the time since the first placement~~ on the date on which the juvenile was first placed outside of his or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363 or on the date that is 60 days after the date on which the juvenile was removed from his or her home, whichever is earlier.

SECTION 703. 938.365 (2g) (b) 2. of the statutes is amended to read:

938.365 **(2g)** (b) 2. An evaluation of the juvenile's adjustment to the placement and of any progress the juvenile has made, suggestions for amendment of the permanency plan, a description of efforts to return the juvenile safely to his or her home, including efforts of the parents

to remedy factors which contributed to the juvenile's placement and, if continued placement outside of the juvenile's home is recommended, an explanation of why returning the juvenile to his or her home is not safe or feasible.

SECTION 704. 938.365 (2g) (b) 3. of the statutes is amended to read:

938.365 **(2g)** (b) 3. If the juvenile has been placed outside of his or her home for ~~2 or more years~~ 15 of the most recent 22 months, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the juvenile. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the juvenile and whether or not the juvenile should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the juvenile be registered with the adoption information exchange or report the reason why registering the juvenile is contrary to the best interest of the juvenile.

SECTION 705. 938.365 (2m) (a) of the statutes is amended to read:

938.365 **(2m)** (a) Any party may present evidence relevant to the issue of extension. The court shall make findings of fact and conclusions of law based on the evidence~~, including~~. Subject to s. 938.355 (2d), the findings of fact shall include a finding as to whether reasonable efforts were made by the agency primarily responsible for providing services to the juvenile to make it possible for the juvenile to return safely to his or her home. An order shall be issued under s. 938.355.

SECTION 706. 938.365 (2m) (ag) of the statutes, as affected by 1997 Wisconsin Act 80, is amended to read:

938.365 **(2m)** (ag) In addition to any evidence presented under par. (a), the court shall ~~permit~~ give a foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. Any written or oral statement made under this paragraph shall be made under oath or affirmation. A foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (2) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 707. 938.38 (3) (intro.) of the statutes is amended to read:

938.38 **(3)** TIME. (intro.) ~~The~~ Subject to s. 938.355 (2d) (c), the agency shall file the permanency plan with the court within 60 days after the date on which the juvenile was first held in physical custody or placed outside of his or her home under a court order, except under either of the following conditions:

SECTION 708. 938.38 (4) (a) of the statutes is amended to read:

938.38 **(4)** (a) The services offered and any service provided in an effort to prevent holding or placing the juvenile outside of his or her home, while assuring that the health and safety of the juvenile are the paramount concerns, and to make it possible for the juvenile to return safely home, except that the permanency plan need not include a description of those services offered or provided with respect to a parent of the juvenile if any of the circumstances specified in s. 938.355 (2d) (b) 1., 2., 3. or 4. apply to that parent.

SECTION 709. 938.38 (4) (bm) of the statutes, as affected by 1997 Wisconsin Act 35, is amended to read:

938.38 **(4)** (bm) The availability of a safe and appropriate placement with a relative of the juvenile and, if a decision is made not to place the juvenile with an available relative, why placement with the relative is not safe or appropriate.

SECTION 710. 938.38 (4) (e) of the statutes is amended to read:

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

SECTION 711. 938.38 (4) (f) 1. of the statutes is amended to read:

938.38 **(4)** (f) 1. Ensure proper care and treatment of the juvenile and promote safety and stability in the placement.

SECTION 712. 938.38 (4) (f) 3. of the statutes is amended to read:

938.38 **(4)** (f) 3. Improve the conditions of the parents' home to facilitate the safe return of the juvenile to his or her home, or, if appropriate, obtain an alternative permanent placement for the juvenile.

SECTION 713. 938.38 (4) (fm) of the statutes is created to read:

938.38 **(4)** (fm) If the permanency plan calls for placing the juvenile for adoption, with a guardian or in some

other alternative permanent placement, the efforts made to place the juvenile for adoption, with a guardian or in some other alternative permanent placement.

SECTION 714. 938.38 (4) (g) of the statutes is amended to read:

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

SECTION 715. 938.38 (5) (b) of the statutes is amended to read:

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

SECTION 716. 938.38 (5) (c) 1. of the statutes is amended to read:

938.38 **(5)** (c) 1. The continuing necessity for and the safety and appropriateness of the placement.

SECTION 717. 938.38 (5) (c) 4. of the statutes is amended to read:

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

SECTION 718. 938.38 (5) (c) 5. of the statutes is amended to read:

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

SECTION 719. 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

938.38 **(5)** (c) 6. (intro.) If the juvenile has been placed outside of his or her home ~~for 2 years or more~~, as described in s. 938.365 (1), for 15 of the most recent 22 months, the appropriateness of the permanency plan and the circumstances which prevent the juvenile from any of the following:

SECTION 720. 938.38 (5) (c) 6. a. of the statutes is amended to read:

938.38 **(5)** (c) 6. a. Being returned safely to his or her home.

SECTION 721. 938.38 (5) (c) 7. of the statutes is amended to read:

938.38 **(5)** (c) 7. Whether reasonable efforts were made by the agency to make it possible for the juvenile to return safely to his or her home, except that the court or panel need not determine whether those reasonable efforts were made with respect to a parent of the juvenile if any of the circumstances specified in s. 938.355 (2d) (b) 1., 2., 3. or 4. apply to that parent.

SECTION 722. 938.38 (6) (c) of the statutes is amended to read:

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

SECTION 722c. 939.74 (2) (c) of the statutes is amended to read:

939.74 **(2)** (c) A prosecution for violation of s. 948.02, 948.025, 948.03~~, 948.04~~ (2) (a), 948.05, 948.06, 948.07 (1), (2), (3) or (4), 948.08 or 948.095 shall be commenced before the victim reaches the age of ~~26~~ 31 years~~,~~ or be barred.

SECTION 722d. 939.74 (2) (cm) of the statutes is created to read:

939.74 **(2)** (cm) A prosecution for violation of s. 948.03 (2) (b) or (c), (3) or (4), 948.04 or 948.07 (5) or (6) shall be commenced before the victim reaches the age of 26 years or be barred.

SECTION 722e. 939.74 (2) (d) of the statutes is repealed.

SECTION 722g. 940.09 (1d) of the statutes is amended to read:

940.09 **(1d)** If the person who committed an offense under sub. (1) (a) or (b) has 2 or more prior convictions, suspensions or revocations ~~in a 10-year period~~, as counted under s. 343.307 (1), the procedure under s. 346.65 (6) may be followed regarding the immobilization or seizure and forfeiture of a motor vehicle owned by the person who committed the offense or the equipping of a motor vehicle owned by the person with an ignition interlock device.

SECTION 722i. 940.25 (1d) of the statutes is amended to read:

940.25 **(1d)** If the person who committed the offense under sub. (1) (a) or (b) has 2 or more prior convictions, suspensions or revocations ~~in a 10-year period~~, as counted under s. 343.307 (1), the procedure under s.

346.65 (6) may be followed regarding the immobilization or seizure and forfeiture of a motor vehicle owned by the person who committed the offense or the equipping of a motor vehicle owned by the person with an ignition interlock device.

SECTION 722k. 950.04 (1v) (nn) of the statutes is created to read:

950.04 **(1v)** (nn) To attend parole interviews or hearings and make statements as provided under s. 304.06 (1) (eg).

SECTION 722L. 950.06 (2) of the statutes is amended to read:

950.06 **(2)** The costs of enforcing rights under s. 950.04 and providing services under s. 950.05 shall be paid for by the county, but the county is eligible to receive reimbursement from the state for the costs incurred in providing services under s. 950.05. For costs incurred on or after January 1, 1982, the county is eligible to receive funding from the state for not more than 90% of the costs incurred in providing services under s. 950.05. The department shall determine the level of services for which a county may be reimbursed. The county board shall file a claim for reimbursement with the department. The department shall reimburse ~~the~~ counties under this subsection from the appropriation under s. 20.455 (5) (kk) and, on a semiannual basis, from the appropriations under s. 20.455 (5) (c) and (g) ~~on a semiannual basis for services provided~~. If a county has a program plan approved after July 2, 1983, the department may reimburse the county only for services provided on or after January 1, 1984.

SECTION 722m. 950.06 (2) of the statutes, as affected by 1997 Wisconsin Acts 181 and .... (this act), is repealed and recreated to read:

950.06 **(2)** The costs of providing services under sub. (1m) shall be paid for by the county, but the county is eligible to receive reimbursement from the state for not more than 90% of the costs incurred in providing those services. The department shall determine the level of services for which a county may be reimbursed. The county board shall file a claim for reimbursement with the department. The department shall reimburse counties under this subsection from the appropriation under s. 20.455 (5) (kk) and, on a semiannual basis, from the appropriations under s. 20.455 (5) (c) and (g).

SECTION 722p. 1997 Wisconsin Act 27, section 94m is repealed.

SECTION 722q. 1997 Wisconsin Act 27, section 158m is repealed.

SECTION 722s. 1997 Wisconsin Act 27, section 1164g is repealed.

SECTION 722u. 1997 Wisconsin Act 27, sections 4315p, 4315r and 4315s are repealed.

SECTION 722w. 1997 Wisconsin Act 27, section 9123 (10g) (a) is amended to read:

[1997 Wisconsin Act 27] Section 9123 (10g) (a) (title) ~~*Mobile*~~ *Use of mammography* ~~*van*~~ *and other breast cancer screening devices*. The secretary of health and family services shall submit to the chairpersons of the joint committee on finance a plan that details the budget and criteria to be used in awarding ~~a grant~~ grants for the performance of breast cancer screening activities ~~with the use of a mobile mammography van~~. If the joint committee on finance approves the plan, it may supplement the appropriation under section 20.435 (5) (cc) of the statutes, as affected by this act, for breast cancer screening activities ~~with the use of a mobile mammography van~~. Notwithstanding section 13.101 (3) (a) of the statutes, the committee is not required to find that an emergency exists.

SECTION 722x. 1997 Wisconsin Act 27, section 9124 (2c) is amended to read:

[1997 Wisconsin Act 27] Section 9124 (2c) TOURING EXHIBIT OF WISCONSIN STATE CAPITOL. In cooperation with the joint committee on legislative organization, the historical society shall, during ~~fiscal year 1997–98~~ the 1997–99 fiscal biennium, provide a touring exhibit detailing the history of the Wisconsin state capitol, and solicit donations to finance the exhibit. The historical society may provide the exhibit and solicit the donations either directly or through a nonprofit organization.

SECTION 723. 1997 Wisconsin Act 27, section 9132 (1xyg) is amended to read:

[1997 Wisconsin Act 27] Section 9132 (1xyg) STUDY OF STATE CENTERS FOR THE DEVELOPMENTALLY DISABLED. The department of health and family services shall conduct a study on the future of the state centers for the developmentally disabled and, by ~~September 1, 1998~~ December 1, 1998, shall submit a report containing the department's findings and conclusions in the manner provided under section 13.172 (2) of the statutes and to the governor.

SECTION 723e. 1997 Wisconsin Act 27, section 9132 (2g) is amended to read:

[1997 Wisconsin Act 27] Section 9132 (2g) TOURING EXHIBIT OF WISCONSIN STATE CAPITOL. The joint committee on legislative organization, in cooperation with the state historical society of Wisconsin or a nonprofit organization designated by the society for this purpose, shall establish a touring exhibit dealing with the history of the Wisconsin state capitol through photographs, videotapes and artifacts. For this purpose, the committee may authorize expenditures of not more than a total of $100,000 in ~~fiscal year 1997–98~~ the 1997–99 fiscal biennium from the appropriation under section 20.765 (1) (d) of the statutes, as affected by this act, at such times as the committee determines, within the amounts budgeted for that appropriation in the schedule under section 20.005 (3) of the statutes, to support production and circulation of the exhibit upon notification by the state historical society of Wisconsin to the cochairpersons of the committee that the society or the nonprofit organization has received

matching donations in the same amounts to finance the exhibit.

SECTION 724. 1997 Wisconsin Act 27, section 9137 (4eq) (a) is amended to read:

[1997 Wisconsin Act 27] Section 9137 (4eq) (a) During the 1997–99 fiscal biennium, from the appropriation under section 20.370 (2) (da) of the statutes, as created by this act, the department of natural resources shall make a payment to each person who received a waste tire reimbursement grant under sections NR 555.08 to 555.12, Wisconsin Administrative Code, for waste tires used during 1995 if the grant was prorated. The payment may not exceed the amount by which the grant was reduced because it was prorated. The total amount of the payments under this paragraph may not exceed ~~$1,135,700~~ $1,186,200.

SECTION 725. 1997 Wisconsin Act 27, section 9143 (2e) is repealed.

SECTION 725dm. 1997 Wisconsin Act 27, section 9143 (7k) is repealed.

SECTION 725e. 1997 Wisconsin Act 27, section 9256 (3x) (a) 2. is repealed.

SECTION 725m. 1997 Wisconsin Act 27, section 9256 (3x) (b) 2. is repealed.

SECTION 725s. 1997 Wisconsin Act 27, section 9256 (3x) (c) 2. is repealed.

SECTION 726m. 1997 Wisconsin Act 27, section 9256 (3x) (d) is repealed.

SECTION 727e. 1997 Wisconsin Act 27, section 9256 (3x) (e) is repealed.

SECTION 727g. 1997 Wisconsin Act 27, section 9437 (7eq) is amended to read:

[1997 Wisconsin Act 27] Section 9437 (7eq) TIRE WASTE. The repeal of section 20.370 (2) (da) of the statutes takes effect on June 30, ~~1999~~ 2000.

SECTION 727j. 1997 Wisconsin Act 27, section 9453 (2m) is repealed.

SECTION 727m. 1997 Wisconsin Act 68, section 13 (intro.) is amended to read:

[1997 Wisconsin Act 68] Section 13 (intro.) This act takes effect on the first day of the ~~9th~~ 12th month beginning after publication, except as follows:

SECTION 727p. 1997 Wisconsin Act 113, section 40 is repealed.

SECTION 727t. 1997 Wisconsin Act 119, section 5 (1) is repealed.

SECTION 9101. Nonstatutory provisions; administration.

(1x) WISCONSIN SESQUICENTENNIAL COMMISSION; GENERAL PROGRAM OPERATIONS OVERPAYMENT ADJUSTMENT. On July 1, 1999, the secretary of administration shall determine the sum of moneys credited to the appropriation account under section 20.525 (1) (gm) of the statutes and of moneys transferred from the appropriation account under section 20.395 (5) (qt) of the statutes, as created by this act, to the appropriation account under section 20.525 (1) (k) of the statutes, as affected by this act. Notwithstanding section 25.72 (2) of the statutes, if that sum exceeds $4,150,000, the secretary of administration shall transfer from the historical legacy trust fund to the transportation fund the lesser of the following amounts:

(a) The amount by which the sum determined by the secretary of administration under this subsection exceeds $4,150,000.

(b) The amount transferred from the appropriation account under section 20.395 (5) (qt) of the statutes, as created by this act, to the appropriation account under section 20.525 (1) (k) of the statutes, as affected by this act.

(1z) WISCONSIN PROMISE CHALLENGE GRANTS.

(a) *Definitions.* In this subsection:

1. "Countywide consortium" means a combination of individuals, public agencies, nonprofit organizations and other persons who have agreed to participate in a joint effort to coordinate and document progress within the county in which those individuals, public agencies, nonprofit organizations and other persons operate toward providing the 5 fundamental resources to underserved youth in that county.

2. "Five fundamental resources" means resources intended to mentor, nurture, protect, teach and serve.

3. "Nonprofit organization" means a nonprofit corporation that is organized under chapter 181 of the statutes, or an organization described in section 501 (c) (3) of the Internal Revenue Code that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

4. "Public agency" means a county, city, village, town, school district or technical college district or an agency of this state or of a county, city, village, town, school district or technical college district.

5. "Underserved youth" means a person under 26 years of age who could benefit from, but who is not receiving, a majority of the 5 fundamental resources.

(b) *Purpose of grants.* From the appropriation under section 20.505 (4) (fm) of the statutes, as created by this act, the national and community service board shall award grants, in the amounts specified in paragraph (c), to countywide consortiums to assist those countywide consortiums in coordinating and documenting progress within their counties toward reaching the goal of providing the 5 fundamental resources to underserved youth.

(c) *Amount of grants.* The national and community service board shall determine the amount of a grant awarded under paragraph (b) based on the number of underserved youth who are to receive the 5 fundamental resources as a result of the countywide consortium's efforts under paragraph (f). The national and community service board shall award the following amounts based on the following numbers of underserved youth targeted by a countywide consortium:

1. Three thousand dollars, if the number of underserved youth targeted by the countywide consortium is 100 or less.

2. Four thousand dollars, if the number of underserved youth targeted by the countywide consortium is greater than 100, but less than 251.

3. Five thousand dollars, if the number of underserved youth targeted by the countywide consortium is greater than 250, but less than 501.

4. Six thousand dollars, if the number of underserved youth targeted by the countywide consortium is greater than 500, but less than 1,001.

5. Eight thousand dollars, if the number of underserved youth targeted by the countywide consortium is greater than 1,000, but less than 2,001.

6. Ten thousand dollars, if the number of underserved youth targeted by the countywide consortium is greater than 2,000, but less than 4,001.

7. Twelve thousand dollars, if the number of underserved youth targeted by the countywide consortium is greater than 4,000, but less than 8,001.

8. Fifteen thousand dollars, if the number of underserved youth targeted by the countywide consortium is greater than 8,000.

(d) *Matching requirement.*

1. The national and community service board may award a grant under paragraph (b) only to a countywide consortium that agrees to match the grant, in cash, in an amount this is not less than 200% of the grant amount received.

2. Each grant application shall include proof of the ability of the countywide consortium to comply with subdivision 1.

(e) *Grant application; information required.* Each countywide consortium that applies for a grant under paragraph (b) shall include in its grant application the number of underserved youth who are to receive the 5 fundamental resources as a result of the countywide consortium's efforts under paragraph (f). A grant application shall also include the identity of each individual, public agency, nonprofit organization and other person who is a participant in the countywide consortium, a plan to accomplish all of the tasks specified in paragraph (f) and the identity of the fiscal agent under paragraph (g).

(f) *Use of grant moneys and matching funds.* A countywide consortium that is awarded a grant under paragraph (b) shall use the grant moneys awarded under paragraph (b) and the matching funds committed under paragraph (d) 1. to accomplish all of the following tasks:

1. Identify, to the best of the countywide consortium's ability, all individuals, public agencies, nonprofit organizations and other persons who are providing at least one of the 5 fundamental resources in the county of the countywide consortium on the date on which the grant money is received.

2. Identify, to the best of the countywide consortium's ability, all individuals, public agencies, nonprofit organizations and other persons who are providing at least one of the 5 fundamental resources in the county of the countywide consortium between the date on which the grant money is received and January 1, 2000.

3. Decide upon a coordinated plan to provide, by January 1, 2000, the 5 fundamental resources to not less than the number of underserved youth targeted by the countywide consortium in its grant application.

4. Identify, to the best of the countywide consortium's ability, all individuals, public agencies, nonprofit organizations and other persons in the county of the countywide consortium who want to receive training or technical assistance in any of the following areas:

a. Involving underserved youth in meaningful ways in the countywide consortium's efforts to provide the 5 fundamental resources to those underserved youth.

b. Recruiting and coordinating volunteers.

c. Developing ideas on how to provide the 5 fundamental resources to underserved youth.

5. Coordinate the training and technical assistance specified in subdivision 4. and to ensure that the training and technical assistance is provided by competent volunteers or professionals.

6. Document the number of underserved youth who receive any of the 5 fundamental resources as a result of the countywide consortium's efforts, which of the 5 fundamental resources are being provided to those underserved youth as a result of those efforts and, to the best of the countywide consortium's ability, the positive outcomes for those underserved youth that are the result of those efforts.

(g) *Fiscal agent; reporting.* Each countywide consortium that applies for a grant under paragraph (b) shall identify a fiscal agent who shall receive, manage and account for the grant moneys awarded under paragraph (b) and the matching funds committed under paragraph (d) 1. and who shall provide to the national and community service board the following reports detailing the progress of the countywide consortium in accomplishing the tasks specified in paragraph (f):

1. A semiannual report that is due by the first day of the 6th month beginning after the date on which the grant money is received.

2. An annual report that is due by the first day of the 12th month beginning after the date on which the grant money is received.

3. A final report that is due by January 1, 2000.

(h) *Capacity building.* The national and community service board may expend any moneys in the appropriation account under section 20.505 (4) (fm) of the statutes, as created by this act, that are not awarded as grants under paragraph (b) to build the capacity of individuals, public agencies, nonprofit organizations and other per-

sons to provide the 5 fundamental resources to underserved youth by contracting for the provision of the training and technical assistance specified in paragraph (f) 4.

(i) *Sunset.* This subsection does not apply after December 31, 1999.

SECTION 9105. Nonstatutory provisions; arts board.

(1n) HISTORIC THEATRE RENOVATION GRANT.

(a) From the appropriation under section 20.215 (1) (b) of the statutes, as affected by this act, the arts board shall make a grant of not less than $100,000 in fiscal year 1998−99 to a nonprofit organization that acquired ownership of a historic theatre within the preceding 10 years for a project that consists of facade restoration and exterior stabilization of the historic theatre if the total estimated cost of the project is $500,000 or more and the nonprofit organization contributes matching funds for at least 50% of the estimated total cost of the project. The maximum grant under this paragraph may not exceed $450,000.

(b) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 1999−2001 biennial budget bill, the arts board shall submit information concerning the appropriation account under section 20.215 (1) (b) of the statutes, as affected by this act, as though the increase in the dollar amount of that appropriation by SECTION 9205 (1n) of this act had not been made.

SECTION 9109. Nonstatutory provisions; circuit courts.

(1) TERMINATION OF PARENTAL RIGHTS.

(a) *Continuing need of protection or services.*

1. Notwithstanding section 48.415 (2) (b) 2. and (c) of the statutes, as affected by this act, no person may file a petition under section 48.42 (1) of the statutes for termination of parental rights on the grounds specified in section 48.415 (2) (b) 2. and (c) of the statutes, as affected by this act, unless the parent against whom the petition is filed has received the notice under section 48.356 (2) or 938.356 (2) of the statutes of the grounds for termination of parental rights under section 48.415 (2) (b) 2. and (c) of the statutes, as affected by this act, and 6 months or longer have elapsed since the date of that notice.

2. Subdivision 1. does not preclude a person from filing a petition under section 48.42 (1) of the statutes for termination of parental rights over a child on the grounds specified in section 48.415 (2) (b) 2. and (c), 1995 stats., against a parent who has received notice under section 48.356 (2) or 938.356 (2) of the statutes of the grounds for termination of parental rights under section 48.415 (2) (b) 2. and (c), 1995 stats., if 6 months or longer have elapsed since the date of that notice.

(b) *Children currently in out−of−home care.* In each county, the agency, as defined in section 48.40 (1) of the statutes, or the district attorney, corporation counsel or other appropriate official designated under section 48.09 of the statutes, whoever is responsible for prosecuting termination of parental rights petitions in that county, shall implement section 48.417 of the statutes, as created by this act, with respect to children in the county who, on November 17, 1997, are in the status described in section 48.417 (1) (a) of the statutes, as created by this act, according to the following time schedule:

1. By July 1, 1999, the agency, district attorney, corporation counsel or other appropriate official shall file or join in a termination of parental rights petition as required under section 48.417 (1) (intro.) of the statutes, as created by this act, with respect to not less than 33% of those children, giving priority to children whose permanency plan under section 48.38 or 938.38 of the statutes calls for adoption and to the children who have been in out−of−home care for the longest period of time.

2. By January 1, 2000, the agency, district attorney, corporation counsel or other appropriate official shall file or join in a termination of parental rights petition as required under section 48.417 (1) (intro.) of the statutes, as created by this act, with respect to not less than 67% of those children.

3. By July 1, 2000, the agency, district attorney, corporation counsel or other appropriate official shall file or join in a termination of parental rights petition as required under section 48.417 (1) (intro.) of the statutes, as created by this act, with respect to all of those children.

(c) *Commission of serious felony against the person's child.* Notwithstanding section 48.415 (9m) (b) of the statutes, as affected by this act, no person may file a petition under section 48.42 (1) of the statutes for termination of parental rights under section 48.415 (9m) (b) of the statutes, as affected by this act, based on a finding made before the effective date of this paragraph that a parent has committed a violation of section 940.19 (2), (3), (4) or (5) of the statutes or of the law of any other state or federal law that would be a violation of section 940.19 (2), (3), (4) or (5) of the statutes if committed in this state.

SECTION 9110. Nonstatutory provisions; commerce.

(1) GRANT FOR DISTANCE EDUCATION CENTER.

(a) In this subsection:

1. "Consortium" means an association of a business and a higher educational institution.

2. "Department" means the department of commerce.

3. "Secretary" means the secretary of commerce.

(b) The department may make a grant of not more than $500,000 from the appropriation under section 20.143 (1) (c) of the statutes, as affected by this act, to a consortium for the purpose of establishing a distance education center for instruction in technology and engineering if all of the following apply:

1. The consortium is located in Eau Claire County.

2. The consortium submits a plan to the department detailing the proposed use of the grant and the secretary approves the plan.

3. The consortium enters into a written agreement with the department that specifies the conditions for use of the grant proceeds, including reporting and auditing requirements.

4. The consortium agrees in writing to submit to the department the report required under paragraph (c) by the time required under paragraph (c).

(c) If a consortium receives a grant under this subsection, it shall submit to the department, within 6 months after spending the full amount of the grant, a report detailing how the grant proceeds were used.

(d) The department may not pay grant proceeds under this subsection after June 30, 1999.

(2f) GRANT FOR BUSINESS CONFERENCE CENTER.

(a) In this subsection:

1. "Department" means the department of commerce.

2. "Secretary" means the secretary of commerce.

(b) The department may make a grant of not more than $200,000 from the appropriation under section 20.143 (1) (c) of the statutes, as affected by this act, to a technical college for the purpose of constructing a business conference center at the technical college for instruction in advanced technology and customized training if all of the following apply:

1. The technical college is located in Chippewa County.

2. The technical college contributes sufficient funds from other sources to complete the construction project.

3. The technical college submits a plan to the department detailing the proposed use of the grant and the amounts and sources of other funding and the secretary approves the plan.

4. The technical college enters into a written agreement with the department that specifies the conditions for use of the grant proceeds, including reporting and auditing requirements.

5. The technical college agrees in writing to submit to the department the report required under paragraph (c) by the time required under paragraph (c).

(c) If a technical college receives a grant under this subsection, it shall submit to the department, within 6 months after spending the full amount of the grant, a report detailing how the grant proceeds were used.

(d) The department may not pay grant proceeds under this subsection after June 30, 1999.

SECTION 9111. Nonstatutory provisions; corrections.

(1) COMPUTER RECYCLING INMATE EMPLOYMENT PROGRAM. The authorized FTE positions for the department of corrections are increased by 4.0 PR one−year project positions on July 1, 1998, to be funded from the appropriation under section 20.410 (1) (kx) of the statutes for the purpose of refurbishing and recycling used computers.

(1w) REQUEST FOR ADDITIONAL FUNDING FOR FOOD SERVICES FOR THE RACINE YOUTHFUL OFFENDER CORRECTIONAL FACILITY. At the time that the actual costs of contracting for the provision of food services for the Racine Youthful Offender Correctional Facility are known and if the department of corrections is able to demonstrate that amounts appropriated to the department for fiscal years 1997−98 and 1998−99 under section 20.410 (1) (a) of the statutes are insufficient to carry out the purposes for which appropriated, the department shall make a request under section 13.10 of the statutes to the joint committee on finance asking the committee to supplement the appropriation under section 20.410 (1) (a) of the statutes by the amounts necessary, not exceeding $117,300 in fiscal year 1997−98 and $645,700 in fiscal year 1998−99, to provide food services for the Racine Youthful Offender Correctional Facility.

(1x) CORRECTIONAL OFFICER SALARY COSTS. The department of corrections may request that the joint committee on finance supplement, from the appropriation under section 20.865 (4) (a) of the statutes, correctional officer salary costs of the department for the 1998−99 fiscal year in an amount not to exceed $1,729,600. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the request within 14 working days after the date of the department's submission, the appropriations shall be supplemented as provided in the request. If, within 14 working days after the date of the department's submission, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the request, the appropriations shall be supplemented only upon approval of the committee. Notwithstanding section 13.101 (3) (a) 1. of the statutes, the joint committee on finance may supplement, from the appropriation under section 20.865 (4) (a) of the statutes, salary costs of the department for the 1998−99 fiscal year without a finding that an emergency exists.

(2w) AGENCY REQUEST RELATING TO OAKHILL CORRECTIONAL INSTITUTION. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purpose of the 1999−2001 biennial budget bill, the department of corrections shall submit information concerning the appropriation under section 20.410 (1) (f) of the statutes as though the amounts appropriated to the department under that appropriation for fiscal year 1998−99 were $26,400 less than the amounts in the schedule.

(2z) AGENCY REQUEST RELATING TO RENT. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purpose of the 1999−2001 biennial budget bill, the department of corrections shall submit information concerning the appropriation under section 20.410 (1) (a) of

the statutes as though the amounts appropriated to the department under that appropriation for fiscal year 1998–99 were $12,600 less than the amounts in the schedule.

SECTION 9120. Nonstatutory provisions; governor.

(1) CHILD'S FIRST BOOK INITIATIVE. From the appropriation under section 20.525 (1) (a) of the statutes, the governor may expend not more than $45,000 in fiscal year 1998–99 for a child's first book initiative. The governor may contract with a state agency, as defined in section 20.001 of the statutes, to administer the initiative. The state agency contracted with shall acquire children's books and send those books to the parents of newborn children to encourage those parents to read to their children and thereby stimulate the intellectual development of those children.

SECTION 9122. Nonstatutory provisions; health and family services.

(1) MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM. The department of health and family services shall apply to the federal government to establish a medicare rural hospital flexibility program, as authorized under 42 USC 1395i–4 (b).

(3) FAMILY CARE.

(a) By July 31, 1998, the department of health and family services shall submit final drafting instructions to the legislative reference bureau for proposed legislation to initiate establishing, on July 1, 2000, a new system under which long–term care is provided to elderly and adult disabled individuals. The drafting instructions for the system shall be for services to these individuals that include all of the following:

1. The establishment of a single consumer entry point for long–term care services for a county or tribal area, to provide information on aging, disability and services for long–term care and to perform functional and financial screening for and collect information about individuals.

2. A needs–oriented, individualized long–term care benefit that covers a full array of services and support items.

3. Simplified and uniform eligibility for a long–term care, publicly funded subsidy, based on functional ability and ability to pay.

4. A care management organization that provides services that are tailored to individual needs and preferences in a cost–effective manner, including the option for the consumer or the consumer's family to direct services.

5. Combined federal, state and local funding, within the limits of federal law, that is designated for each consumer and applies regardless of change of the consumer's service setting or his or her residence within the state.

6. Prepaid funding to counties or other entities for care management and delivery of services, based on average per person costs for consumers at various disability levels.

7. Coordination of long–term care with primary and acute health care services.

8. Meaningful involvement of consumers, family members and guardians in the design, implementation and ongoing policy direction of the long–term care system.

9. The right of a county or tribe to opt or decline the option to be the single entry point for long–term care services or a care management organization for the area of the county's or tribe's jurisdiction, if the county or tribe meets established performance standards.

(b) The department of health and family services shall in an expeditious manner, request any waivers of federal laws that would be necessary to effectively implement, on July 1, 2000, the long–term care system described in paragraph (a).

(c) In preparing drafting instructions for proposed legislation, as specified in paragraph (a), the department of health and family services shall take into consideration the recommendations of a steering committee that is appointed by the secretary of health and family services. The steering committee shall include long–term care consumers, family members of elderly and disabled adult individuals and leaders from state governmental, advocacy and long–term care service provider organizations.

(3t) RULES FOR EXPEDITING MEDICAL ASSISTANCE ELIGIBILITY DETERMINATIONS. Using the procedure under section 227.24 of the statutes, the department of health and family services shall promulgate rules required under section 49.45 (2) (a) 24. of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 49.45 (2) (a) 24. of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

(3ty) NEONATAL INTENSIVE CARE UNIT TRAINING GRANTS.

(a) In this subsection:

1. "Developmentally supportive and family–centered care" includes all of the following:

a. Caregiving that is individualized, flexible and responsive to each infant, based on continuous skillful monitoring of the infant's behavioral and physiologic responses.

b. Modifications to the caregiving environment to minimize infant stress and promote optimal infant adjustment to his or her neonatal intensive care unit experience.

c. Support of the developing parent or family and infant relationship throughout the infant's neonatal intensive care unit stay and after discharge, using strategies that focus on developing parental competence in infant

care through parental education, support and guidance in the practice of appropriate care.

2. "High−risk infant" means a neonatal child who has or is at risk of having serious physical disorders, biological complications or developmental impairment.

3. "Hospital" has the meaning given in section 50.33 (2) of the statutes.

4. "Neonatal" means within 4 weeks after birth.

5. "Neonatal intensive care unit" means a hospital unit in which are concentrated special equipment and skilled medical personnel for the care of high−risk infants requiring immediate or continuous attention.

(b) From the appropriation under section 20.435 (5) (er) of the statutes, the department of health and family services shall distribute up to $170,000 in each fiscal year to provide up to 10 grants to applying public or private hospitals to pay for specialized training and on−site consultation and support of medical personnel of neonatal intensive care units in the principles and practice of developmentally supportive and family−centered care for high−risk infants and their families. An individual who has demonstrated proficiency in training professional caregivers in developmentally supportive and family−centered care shall provide the training and consultation.

(c) The department of health and family services shall promulgate all of the following rules to implement this section:

1. Establishing the criteria and procedures for the awarding of grants under paragraph (b).

2. Defining "specialized training and on−site consultation and support". The rule shall include a minimum of 40 hours of formal training and 160 hours of practice work.

(3tz) EMERGENCY RULES FOR NEONATAL INTENSIVE CARE UNIT TRAINING GRANTS. Using the procedure under section 227.24 of the statutes, the department of health and family services may promulgate rules defining "specialized training and on−site consultation and support" and regarding criteria and procedures for awarding grants under the neonatal intensive care unit training grant program under subsection (3ty) for the period before the effective date of the permanent rules promulgated under subsection (3ty) (c), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

(4) PILOT PROJECT FOR COUNTY OR TRIBAL MANAGEMENT OF LONG−TERM CARE PROGRAMS. From the appropriation under section 20.435 (6) (a) of the statutes, the department of health and family services shall contract in fiscal year 1998−99 with counties or tribes under a pilot project to demonstrate the ability of counties or tribes to manage all long−term care programs under a long−term care management organization.

(4d) KINSHIP CARE ELIGIBILITY RULES. The department of health and family services shall submit in proposed form the rules required under section 48.57 (3m) (ar) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than January 1, 1999.

(4e) CARETAKER SUPPLEMENT FOR RECIPIENTS OF SUPPLEMENTAL SECURITY INCOME.

(a) *Restriction on use of funds.* The department of health and family services may not expend any moneys from the appropriation account under section 20.435 (7) (ed) of the statutes, as affected by this act, for the purpose of providing payments under section 49.775 of the statutes, as affected by this act, unless the department of health and family services receives official notification from the federal social security administration that states all of the following:

1. The portion of the payments made under section 49.775 of the statutes, as affected by this act, from general purpose revenue are considered state supplemental payments for the purpose of satisfying the maintenance−of−effort requirement under 42 USC 1382g.

2. The portion of the payments made under section 49.775 of the statutes, as affected by this act, from federal funds received under the federal temporary assistance for needy families block grant are not considered income for recipients of federal supplemental security income.

Vetoed In Part

(b) *Request for funds.* If the department of health and family services determines that it does not have sufficient funds available to make payments under section 49.775 of the statutes, as affected by this act, the secretary of health and family services shall submit to the secretary of administration a request to transfer funds from the appropriation account under section 20.445 (3) (md) of the statutes to the appropriation account under section 20.435 (7) (ky) of the statutes in an amount sufficient to make the payments required under section 49.775 of the statutes, as affected by this act. The secretary of administration shall submit the request to the cochairpersons of the joint committee on finance. If within 14 days after the submittal of the request the cochairpersons do not notify the secretary of administration in writing that a meeting has been scheduled for the purpose of reviewing the request, the secretary of administration shall transfer the requested funds from the appropriation account under section 20.445 (3) (md) of the statutes to the appropriation account under section 20.435 (7) (ky) of the statutes.

(5k) NURSING HOME SURVEILLANCE. The authorized FTE positions for the department of health and family services are increased by 0.5 FED position on January 1, 1999, to be funded from the appropriation under section 20.435 (6) (n) of the statutes, for the purpose of performing nursing home surveillance.

(5t) PROVISION OF DENTAL SERVICES BY THE MARQUETTE UNIVERSITY SCHOOL OF DENTISTRY. The department of health and family services may not expend or encumber from the appropriation account under section 20.435 (5) (de) of the statutes $60,500 in each of fiscal years 1997−98 and 1998−99 for the provision of dental services by the Marquette University School of Dentistry under section 250.10 of the statutes in the Southside Guadalupe Dental Clinic. The department of health and family services shall, instead, expend from that appropriation account up to $60,500 in fiscal year 1997−98, and $60,500 in fiscal year 1998−99, for the provision of dental services by the Marquette University School of Dentistry under section 250.10 of the statutes in any other dental clinic in the city of Milwaukee.

SECTION 9124. Nonstatutory provisions; historical society.

(1c) DIRECTOR OF H.H. BENNETT STUDIOS. The authorized FTE positions for the historical society are increased by 1.0 GPR position on January 1, 1999, to be funded from the appropriation under section 20.245 (2) (bj) of the statutes, as created by this act, for the directorship of the H.H. Bennett Studios. The historical society may not expend funds from the appropriation specified in this subsection in fiscal year 1998−99 without the approval of the secretary of administration.

SECTION 9128. Nonstatutory provisions; joint committee on finance.

(1x) WISCONSIN SESQUICENTENNIAL COMMISSION SUPPLEMENT. Notwithstanding section 13.101 (3) (a) of the statutes, the joint committee on finance is not required to find that an emergency exists to supplement the appropriation under section 20.395 (5) (qt) of the statutes, as created by this act.

SECTION 9131. Nonstatutory provisions; legislature.

Vetoed In Part

(1p) AUDIT OF NONPOINT SOURCE PROGRAM. The joint legislative audit committee is requested to direct the legislative audit bureau to perform a financial audit of the nonpoint source water pollution abatement program under section 281.65 of the statutes and of the long−term state financial obligations related to the program. If the committee directs the legislative audit bureau to perform an audit, the bureau shall file its report as described under section 13.94 (1) (b) of the statutes by January 1, 2000.

(1z) LEGISLATIVE REFERENCE BUREAU. Notwithstanding section 20.923 (6) (gm) of the statutes, as created by this act, and section 230.08 (2) (fc) of the statutes, as affected by this act, all employes who hold positions in the classified service of the state at the legislative reference bureau on the day before the effective date of this subsection shall remain in the classified service of the state until July 1, 1999, while holding a position at the legislative reference bureau.

(2k) AUDIT OF RESPONSES TO NURSING HOME STAFFING COMPLAINTS. The legislative audit bureau is requested to perform a performance evaluation audit of the adequacy of responses by the department of health and family services to complaints concerning inadequate staffing in particular nursing homes. If the legislative audit bureau performs the audit, the bureau shall begin the audit before July 1, 2000, and shall file its report as described under section 13.94 (1) (b) of the statutes by December 31, 2000.

(2t) JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS.

(a) In this subsection, "eligible employe" means an employe of the University of Wisconsin System described under section 20.923 (4g), (4m), (5) or (6) (m) or 230.08 (2) (d) of the statutes, as affected by this act.

(b) The joint survey committee on retirement systems shall contract for an actuarial study of the impact of the creation of a University of Wisconsin optional retirement system for eligible employes on the Wisconsin retirement system.

(c) The joint survey committee on retirement systems shall report the results of the actuarial study to the president of the senate, the speaker of the assembly and the board of regents of the University of Wisconsin System no later than January 1, 1999.

SECTION 9134. Nonstatutory provisions; Medical College of Wisconsin.

(1) FAMILY PRACTICE RESIDENCY PROGRAM. Of the moneys appropriated to the Medical College of Wisconsin, Inc., under section 20.250 (1) (b) of the statutes, $181,900 in fiscal year 1998−99 may be expended only to fund 2 additional family practice physicians for the family practice residency program. The 2 family practice physicians shall be allocated to maximize the number of family practice residents in the program.

SECTION 9135. Nonstatutory provisions; military affairs.

(1d) YOUTH CHALLENGE PROGRAM. The authorized FTE positions for the department of military affairs are increased by 10.75 GPR positions to be funded from the appropriation under section 20.465 (4) (c) of the statutes for the purpose of administering the Youth Challenge program.

(2b) YOUTH CHALLENGE PROGRAM, FEDERAL. The authorized FTE positions for the department of military affairs are increased by 32.25 FED positions to be funded from the appropriation under section 20.465 (4) (m) of the statutes for the purpose of administering the Youth Challenge program.

(3c) BADGER CHALLENGE PROGRAM. The department of military affairs shall submit the proposed rules required under section 21.25 (1) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than September 1, 1998.

SECTION 9136. Nonstatutory provisions; natural resources.

(1) SNOWMOBILE TRAIL USE STICKERS.

(a) Beginning on May 1, 1998, and ending on April 30, 1999, the procedures and fees specified in paragraphs (b) to (g) shall be used for the issuance of snowmobile trail use stickers in lieu of the procedure to be established under section 350.12 (3j) (e) of the statutes, as created in this act.

(b) The department of natural resources shall issue snowmobile trail use stickers.

(c) The clerk of each county shall also issue snowmobile trail use stickers. The department of natural resources shall provide each county clerk with forms for issuing these stickers. The county clerk shall only use these forms and shall retain a record of each sticker issued in the county clerk's office. The department of natural resources or its wardens may examine these records at any time.

(d) The department of natural resources and each county clerk shall collect an issuing fee of 75 cents for each snowmobile trail use sticker issued. The county clerk may keep the issuing fee to compensate the clerk for the clerk's services in issuing the sticker.

(e) The department of natural resources and each county clerk may appoint persons who are not employes of the department or the county to issue snowmobile trail use stickers. The appointee may retain 50 cents of each issuing fee collected to compensate the appointee for the appointee's services in issuing the sticker. The appointee shall remit the balance of the issuing fee not retained together with the fee collected for the sticker to the department of natural resources or the appointing county clerk, whichever is applicable. An appointing county clerk may retain the balance of the issuing fee not retained by the appointee.

(f) Each county clerk shall establish a procedure under which the clerk deposits the fees collected for snowmobile trail use stickers, other than issuing fees that are being retained, with the county treasurer within one week after the county clerk or the clerk's appointees receive the fees. Upon written order of the county clerk, the county treasurer shall remit to the department of natural resources by the 20th of each month for the preceding month the collected fees together with a statement showing the total amount remitted and the number of stickers issued.

(g) The department of natural resources may establish additional procedures for issuing snowmobile trail use stickers under this subsection. Notwithstanding section 227.10 (1) of the statutes, these procedures need not be promulgated as rules under chapter 227 of the statutes.

Vetoed In Part

(1c) HYDROGEOLOGIST POSITIONS. The authorized FTE positions for the department of natural resources, funded from the appropriation under section 20.370 (2) (dh) of the statutes, are decreased by 3.0 PR hydrogeologist positions on July 1, 1998.

(1t) GASOLINE VAPOR RECOVERY GRANTS.

(a) The owner or operator of a gasoline dispensing facility who is eligible for financial assistance under section 285.31 (5), 1995 stats., shall submit reimbursement requests and any other information required by the department of natural resources to the department no later than April 30, 1999.

(b) On July 1, 1999, the unexpended balance of the appropriation under section 20.370 (6) (cq) of the statutes, as created by this act, shall lapse to the petroleum inspection fund, including, notwithstanding section 20.002 (3m) of the statutes, any amount encumbered but unexpended on that date.

(2) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. The department of natural resources shall set aside in fiscal year 1997–98, from the appropriation under section 20.370 (5) (cq) of the statutes, as affected by this act, $75,000 for the Southeastern Wisconsin Fox River commission. The commission may use these funds for its activities authorized under subchapter VI of chapter 33 of the statutes and for providing matching funding for any grants that the commission may be able to obtain. This subsection does not apply after June 30, 2000.

Vetoed In Part

(2d) STUDY OF LANDFILL REMEDIATION. The department of natural resources shall enter into a contract for a study of the landfill cleanup issue in this state. The study shall identify all closed landfills and estimate the cost of remedial action at all of those landfills. The department of natural resources shall also identify potential mechanisms for funding that remedial action, including mechanisms used successfully in other states. The department shall report the results of the study to the legislature in the manner provided under section 13.172 (2) of the statutes no later than January 15, 2000.

(2f) MISCELLANEOUS RECYCLING GRANTS. On July 1, 1998, the department of natural resources shall award from the appropriation account under section 20.370 (6) (br) of the statutes, as affected by this act, the following grants:

(a) A grant of $100,000 to the Wheelchair Recycling Project, a part of the Madison chapter of the National Spinal Cord Injury Association for the purpose of refurbishing used wheelchairs and other mobility devices and returning them to use by persons who otherwise would not have access to needed or appropriate equipment.

(b) A grant of $409,800 to the department of corrections to be credited to the appropriation account under section 20.410 (1) (kx) of the statutes, as affected by this act, for the purpose of refurbishing and recycling used computers.

Vetoed In Part

(2v) NONPOINT SOURCE PROJECT FUNDING. The department of natural resources shall provide funding from the program under section 281.65 of the statutes, in an amount not to exceed $33,000, for the Sugar–Honey Creek priority watershed project in Racine and Walworth counties for cost–sharing grants to landowners. The department shall provide the funding from unencumbered

Vetoed In Part

1998 calendar year program funds or, if insufficient 1998 calendar year funds remain, from program funds for the first 6 months of calendar year 1999.

(3c) PROJECT POSITION EXCLUDED FROM BASE. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 1999 − 2001 biennial budget bill, the department of natural resources shall submit a dollar amount for the appropriation under section 20.370 (9) (mu) of the statutes that is $85,000 less than the total amount appropriated under section 20.370 (9) (mu) of the statutes for the 1998−99 fiscal year, before submitting any information relating to any increase or decrease in the dollar amount for that appropriation for the 1999−2001 fiscal biennium.

(3d) PROPOSED LEGISLATION ON SUSTAINABLE FORESTRY PRACTICES.

(a) In this subsection, "sustainable forestry" has the meaning given under section 28.04 (1) (e) of the statutes.

(b) No later than the first day of the 13th month beginning on the day after publication, the department of natural resources shall submit to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under section 13.172 (3) of the statutes, proposed legislation in proper form to encourage the practice of sustainable forestry. The proposed legislation shall do all of the following:

1. Minimize constraints placed by state and local governments on the ability of private and public landowners to practice sustainable forestry.

2. Establish standards by which state and local governments can evaluate and make findings on the impact of the following on sustainable forestry:

a. Regulations.

b. Permit and license applications.

c. Ordinances.

d. Zoning variances.

e. Other administrative actions not covered under subdivisions 2. a. to d.

SECTION 9138. Nonstatutory provisions; public defender board.

(1d) PRIVATE BAR COSTS. The public defender board may request that the joint committee on finance supplement the appropriation under section 20.550 (1) (d) of the statutes from the appropriation under section 20.865 (4) (a) of the statutes for the 1998−99 fiscal year in an amount not to exceed $987,600 to pay for costs to the public defender board for reimbursement of private attorneys appointed to act as counsel for a child or an indigent person and for reimbursement for services of private investigators. Notwithstanding section 13.101 (3) (a) 1. of the statutes, the appropriation under section 20.550 (1) (d) of the statutes may be supplemented under this subsection from the appropriation under section 20.865 (4) (a) of the statutes without a finding that an emergency exists.

(1z) SALARY COSTS FOR STAFF ATTORNEYS. The public defender board may request that the joint committee on finance supplement, from the appropriation under section 20.865 (4) (a) of the statutes, staff attorney salary costs of the board for the 1997−98 fiscal year in an amount not to exceed $242,800 and for the 1998−99 fiscal year in an amount not to exceed $524,400. If the cochairpersons of the committee do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the request within 14 working days after the date of the board's submission, the appropriations shall be supplemented as provided in the request. If, within 14 working days after the date of the board's submission, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the request, the appropriations shall be supplemented only upon approval of the committee. Notwithstanding section 13.101 (3) (a) 1. of the statutes, the joint committee on finance may supplement, from the appropriation under section 20.865 (4) (a) of the statutes, staff attorney salary costs of the public defender board for the 1997−98 and 1998−99 fiscal years without a finding that an emergency exists.

SECTION 9139. Nonstatutory provisions; public instruction.

(1) STUDY OF THE WISCONSIN SCHOOL FOR THE VISUALLY HANDICAPPED. The joint legislative council shall study the current mission of the Wisconsin School for the Visually Handicapped and the impact that closing that school would have on the lives of blind and visually impaired citizens and shall report its findings, conclusions and recommendations to the 1999 legislature when it convenes.

SECTION 9141. Nonstatutory provisions; regulation and licensing.

(1g) PHARMACY EXAMINING BOARD RULES; ADMINISTRATION OF VACCINES.

(a) *Definitions.* In this subsection:

1. "Administer" has the meaning given in section 450.01 (1) of the statutes.

2. "Board" means the pharmacy examining board.

3. "Department" means the department of regulation and licensing.

4. "Vaccination protocol" means a written protocol agreed to by a physician, as defined in section 448.01 (5) of the statutes, and a pharmacist that establishes procedures and record−keeping and reporting requirements for the administration of a vaccine by a pharmacist for a period specified in the protocol that may not exceed 2 years.

(b) *Rules.* If the board determines that the rules that the board is required to submit in proposed form to the legislative council staff under 1997 Wisconsin Act 68, section 11 (2), will not be in effect on April 1, 1999, the board shall, no later than April 1, 1999, promulgate such rules using the procedure under section 227.24 of the stat-

utes for the period before the effective date of the rules submitted under 1997 Wisconsin Act 68, section 11 (2), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the board need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this paragraph.

(c) *Vaccines.*

1. A pharmacist licensed under chapter 450 of the statutes, may, subject to subdivision 2., administer a vaccine if he or she satisfies each of the following:

a. The pharmacist has successfully completed 12 hours in a course of study or training approved by the American Council on Pharmaceutical Education or the board relating to vaccination storage, vaccination protocols, injection techniques, emergency procedures and record–keeping.

b. The pharmacist maintains in effect liability insurance against loss, expense and liability resulting from errors, omission or neglect in the administration of a vaccine in the amount of at least $1,000,000 per occurrence and at least $2,000,000 for all occurrences in any one policy year.

c. Upon the request of the department or the board, the pharmacist submits proof that he or she satisfies the requirements specified in subdivision 1. a. or b.

2. A pharmacist may not administer a vaccine under subdivision 1. to a person who is under the age of 18 and may not delegate to any person the administration of a vaccine under subdivision 1.

3. This paragraph does not apply after April 1, 1999.

SECTION 9142. Nonstatutory provisions; revenue.

(1) TAX AMNESTY.

(a) *Program established.* The department of revenue shall establish a tax amnesty program that shall apply to all taxes administered by the department under chapters 71, 72, 78 and 139 of the statutes and subchapter III of chapter 77 of the statutes. Amnesty is available only with respect to the tax obligations under paragraph (b). The amnesty program shall be in effect from June 15, 1998, to August 14, 1998.

(b) *Eligible obligations; payment; limit.*

1. For a taxpayer who has an existing tax delinquency on the records of the department as of October 1, 1997, the department shall accept as full payment of the delinquent amount a certified check, cashier's check, money order or cash in the amount of 80% of the balance due, including any delinquent tax collection fee that is due, as of June 15, 1998. Payments shall be applied first against the fee due, then against the penalty due, then against the interest due and then against the tax due. The delinquent tax collection fee shall be paid in full. No amnesty is available on a tax delinquency based upon an estimated or default assessment, determination, or notice of amount due unless all tax returns corresponding with the assessment, determination, or notice of amount due are filed with the department during the amnesty period. The maximum reduction available under this subdivision is $10,000.

2. For a taxpayer who has a tax liability that is neither reported nor established, the department shall accept the filing of returns, together with payment of all taxes due, with interest, on those returns if payment is made by certified check, cashier's check, money order or cash. On those returns the department shall not impose civil penalties and late filing fees or seek criminal prosecution and the department shall reduce applicable delinquent interest due to the rate of 1% per month or part of a month. If the department determines that additional taxes are due on those returns, penalties and appropriate interest may be imposed on those additional amounts.

3. For the taxpayer who has a tax liability not delinquent on the records of the department as of October 1, 1997, but based upon an assessment, determination, or notice of amount due issued by the department before or during the amnesty period, the department shall waive civil penalties, except as provided in paragraph (d), and late filing fees and reduce applicable delinquent interest due to the rate of 1% per month or part of a month if an application for amnesty is submitted during the amnesty period and payment is made by certified check, cashier's check, money order or cash. Amnesty is not available under this subdivision for an assessment, determination, or notice of amount due under review by the appellate bureau of the department, the Wisconsin tax appeals commission or any court unless that appeal is withdrawn by the taxpayer. No amnesty is available for amounts that are assessed as the result of a field audit under section 71.74 (2) or 77.59 (2) of the statutes.

(c) *Ineligible taxpayers and obligations.* The amnesty program is not available if any of the following conditions applies:

1. The person requesting amnesty has been notified by the date of application for amnesty that he or she is a party to any criminal investigation or any pending criminal litigation relating to any tax administered by the department.

2. The amounts for which amnesty is requested are collected or subject to litigation as of the date of application for amnesty as a result of any civil collection action initiated by the department under authority of section 71.91 of the statutes or any other state law pertaining to creditor enforcement proceedings.

3. The amount for which amnesty is requested is, on the date of application for amnesty, a delinquent nonresident account assigned to a collection agency under section 73.03 (28) of the statutes and is the subject of a civil collection proceeding before any court.

4. The taxpayer is notified during the amnesty period of an adverse determination of his or her appeal of a tax

liability by the Wisconsin tax appeals commission or any court during the amnesty period.

5. The person has filed for relief under the U.S. Bankruptcy Code, except that if the person has applied for amnesty and paid the application fee and if the person's bankruptcy proceeding is dismissed the person is eligible for the amnesty program.

(d) *Nonwaiver.* Any penalty assessed under section 71.66 (1) (e), 71.83 (1) (b) 1., 2. and 4. and (2) (a) 5., 77.60 (5), 78.22 (6), 139.25 (2) or (5) or 139.44 (2) of the statutes or assessed for the underpayment of taxes may not be waived under paragraph (b) 2. or 3.

(e) *Finality; full payment.* All amounts paid under amnesty are final and may not be refunded. Amnesty is available for a taxpayer only if the full amount due as provided by the amnesty program is paid for all of his or her tax obligations as set forth in paragraph (b) within 45 days after notification by the department and all required tax returns are filed.

(f) *Application.* For amnesty to apply, a properly completed application for amnesty under this subsection shall be made upon forms and under instructions issued by the department and the applicant must pay $200 or the actual amount due, whichever is less, by certified check, cashier's check, money order or cash. The department of revenue shall credit the payment against the applicant's liabilities and shall retain the payment whether or not the applicant is granted amnesty.

(g) *Proceeds.* The collections under paragraph (b) shall be deposited in the general fund.

(h) *Collection fee.* The department of revenue shall assess a fee equal to 5% of the person's delinquent balance of tax, penalty and interest, computed as of August 15, 1998, to any person who qualified for amnesty under paragraph (b) 1. but did not resolve his or her account. That assessment may be made upon completion of the amnesty application period for taxpayers who are eligible for amnesty but do not apply for it and on the day after the due date for taxpayers who apply but do not pay in full. The proceeds of this fee shall be deposited in the appropriation account under section 20.566 (1) (hq) of the statutes.

SECTION 9145. Nonstatutory provisions; supreme court.

(1) STATE BAR MEMBERSHIP; FAILURE TO PAY TAXES OR PROVIDE SOCIAL SECURITY NUMBER. The supreme court is requested to promulgate rules under section 751.15 of the statutes so that those rules are effective beginning on January 1, 1999.

SECTION 9148. Nonstatutory provisions; transportation.

(1d) REBASING REGISTRATION PLATES.

(a) *Agency request for funding.* Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 1999–2001 biennial budget act, the department of transportation shall submit a proposal that if enacted would make funds available in amounts sufficient to pay for the production and issuance of registration plates required under sections 341.135 (2) and 341.26 (2g) of the statutes, as created by this act. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 1999–2001 biennial budget act, the department of transportation may not propose to create or increase any fee related to vehicle registration, obtaining replacement registration plates or the reissuance of any registration plate.

Vetoed In Part

(b) *Design approval for plates representing certain special groups.* Notwithstanding section 341.14 (6m) (a) and (6r) (c), (d) and (e) of the statutes, the department of transportation is not required to consult with or obtain the approval of the persons specified in section 341.14 (6m) (a) and (6r) (c), (d) and (e) of the statutes in establishing a registration plate design under section 341.135 (1) of the statutes, as created by this act, except that the department of transportation shall consult with or obtain the approvals of those persons with respect to any word or symbol used to identify the groups for which consultation or approval is required under section 341.14 (6m) (a) and (6r) (c), (d) and (e) of the statutes.

(1x) HIGHWAY SIGNS FOR KOREAN WAR MEMORIAL IN PLOVER. The department of transportation shall erect directional signs along I 39 for the Korean War Memorial in Plover in Portage County. The department shall not charge any fee related to signs erected under this subsection.

(2t) HIGHWAY LIGHTING FOR USH 10 INTERCHANGES. The department of transportation shall pay either the full costs of installing artificial highway lighting at the USH 10/STH 110 interchange and at the USH 10/CTH "X" interchange, both located near Weyauwega in Waupaca County, or $90,000, whichever is less. The department may not pay any costs of installing artificial highway lighting at those interchanges exceeding $90,000.

(2x) TRAFFIC CONTROL SIGNALS IN GREENFIELD. Milwaukee County shall design traffic control signals to be installed at the intersection of West Forest Home Avenue and 76th Street in the city of Greenfield. Not later than July 1, 1998, Milwaukee County shall determine whether the county could complete the installation of the traffic control signals at that location by October 15, 1998, and shall notify the department of transportation of that determination. If the county notifies the department of transportation that the county could complete the installation of the traffic control signals by October 15, 1998, the county shall install the signals and the department of transportation shall reimburse the county for the county's actual costs to design and install the traffic control signals. If the county determines that it cannot install the traffic control signals by October 15, 1998, the department of transportation shall reimburse the county for the

county's costs to design the traffic control signals and, by July 1, 1999, shall complete the installation of the traffic control signals. The department shall reimburse the county under this subsection from the appropriation under section 20.395 (3) (eq) of the statutes.

(4k) TRANSPORTATION FACILITIES ECONOMIC ASSISTANCE PROGRAM APPROPRIATION ADJUSTMENTS. In submitting the plan required under section 84.03 of the statutes, as created by 1997 Wisconsin Act 86, for fiscal year 1998−99, the secretary of transportation shall include a proposal to increase the amounts appropriated for the transportation facilities economic assistance program under section 84.185 of the statutes, as affected by this act, by an amount which the secretary believes is sufficient to fully fund the increase in the amount of grants that could be awarded to all grant recipients who meet the criteria under section 84.185 (3) (b) 2. of the statutes, as created by this act.

(5fm) PLAN TO REDUCE TRANSPORTATION FUND APPROPRIATIONS. In submitting the plan required under section 84.03 (2) of the statutes, as created by 1997 Wisconsin Act 86, for fiscal years 1997−98 and 1998−99, the secretary of transportation shall propose to reduce appropriations to the department of transportation from the segregated transportation fund by an amount sufficient to eliminate the deficit, if any, in the transportation fund projected for June 30, 1999. The anticipated transportation fund balance addressed by the secretary under this subsection shall be the balance projected by the department on the date that the secretary submits the plan required under section 84.03 (2) of the statutes, as created by 1997 Wisconsin Act 86, for fiscal years 1997−98 and 1998−99.

SECTION 9152. Nonstatutory provisions; University of Wisconsin System.

(1dc) ONE−TIME MARKET ADJUSTMENTS IN SALARIES FOR UNIVERSITY SENIOR EXECUTIVES. No later than 90 days after the joint committee on employment relations has approved the establishment of the initial salary ranges for the university senior executive positions specified in section 20.923 (4g) of the statutes, as created by this act, the board of regents of the University of Wisconsin System may authorize a one−time market adjustment to the salary of any incumbent holding such a position. The board of regents may adjust the salary of any such incumbent up to an amount that is not greater than the midpoint of the applicable pay range to which the incumbent's position is assigned for the 1997−98 fiscal year under section 20.923 (4g) of the statutes, as created by this act.

(1dd) 1998−99 PAY ADJUSTMENTS FOR UNIVERSITY SENIOR EXECUTIVE POSITIONS.

(a) For the 1998−99 fiscal year, if the adjustment granted under subsection (1dc) is made before July 1, 1998, the board of regents of the University of Wisconsin System may not award any employe occupying a university senior executive position specified in section 20.923 (4g) of the statutes, as created by this act, a pay adjustment, including any lump sum payment or an adjustment under section 36.09 (1) (j) of the statutes, as affected by this act, which, when combined with any other pay adjustment, including any lump sum payment or any adjustment under section 36.09 (1) (j) of the statutes, as affected by this act, would cause the employe's base pay to exceed 110% of the employe's base pay as of June 30, 1998, unless the pay adjustment is approved by the department of employment relations.

(b) 1. Subject to subdivision 2., for the 1998−99 fiscal year, if the adjustment granted under subsection (1dc) is made after June 30, 1998, the board of regents of the University of Wisconsin System may not award any employe occupying a university senior executive position specified in section 20.923 (4g) of the statutes, as created by this act, a pay adjustment, including any lump sum payment or an adjustment under section 36.09 (1) (j) of the statutes, as affected by this act, which, when combined with any other pay adjustment, including any lump sum payment or any adjustment under subdivision 2. or section 36.09 (1) (j) of the statutes, as affected by this act, but not including any adjustment granted under subsection (1dc), would cause the employe's base pay to exceed 110% of the employe's base pay as of June 30, 1998, plus any adjustment that is granted under subsection (1dc), unless the pay adjustment is approved by the department of employment relations.

2. If the joint committee on employment relations has not approved the establishment of the salary ranges for the university senior executive positions specified in section 20.923 (4g) of the statutes, as created by this act, for the 1997−98 and 1998−99 fiscal years before July 1, 1998, any employe occupying a university senior executive position specified in section 20.923 (4g) of the statutes, as created by this act, shall be eligible to receive on July 1, 1998, the adjustment for the 1998−99 fiscal year that the employe would otherwise have been eligible to receive under the compensation plan under section 230.12 of the statutes or under section 36.09 (1) (j), 1995 stats., whichever is applicable, had the employe's position not been assigned to a university senior executive position specified in section 20.923 (4g) of the statutes, as created by this act.

(1g) PHARMACY INTERNSHIP BOARD. The repeal of 1997 Wisconsin Act 27, sections 94m, 158m, 4315p, 4315r, 4315s and 9453 (2m) by this act applies notwithstanding section 990.03 (3) of the statutes.

(2t) SUBMISSION OF PROPOSED LEGISLATION REGARDING AN OPTIONAL RETIREMENT SYSTEM.

(a) In this subsection, "eligible employe" means an employe of the University of Wisconsin System described under section 20.923 (4g), (4m), (5) or (6) (m) or 230.08 (2) (d) of the statutes, as affected by this act.

(b) No later than June 1, 1999, the board of regents of the University of Wisconsin System shall submit proposed legislation to the legislature in the manner provided under section 13.172 (2) of the statutes creating a University of Wisconsin optional retirement system for eligible employes.

SECTION 9155. Nonstatutory provisions; workforce development.

(1f) WAGE CLAIM LIENS. A lien that exists under section 109.09 (2), 1995 stats., on the day before the effective date of this subsection is subject to the filing, service and enforcement requirements specified in section 109.09 (2) of the statutes, as affected by this act, as of the effective date of this subsection.

SECTION 9156. Nonstatutory provisions; other.

(1c) MENOMINEE COUNTY MANAGEMENT REVIEW.

(a) Not later than the first day of the 2nd month after this subsection takes effect, a task force for the management review of Menominee County shall be constituted and the following individuals shall be appointed to the task force:

1. A designee of the county board of Menominee County.

2. A designee of the town board of the town of Menominee.

3. A designee of the Menominee Indian Tribe.

4. A designee of the Menominee County Taxpayers Association.

5. A representative from a local government association who is selected by the governor.

6. An employe of the department of revenue who is selected by the governor.

7. Another individual who is selected by the governor.

(b) The task force shall review the actions taken by the county board of Menominee County and the town board of the town of Menominee to address the management concerns raised by the legislative audit bureau in a letter to the county and town dated February 23, 1998, and shall prepare findings based on its review.

(c) The task force shall report its findings to the county board of Menominee County, the town board of the town of Menominee and the cochairpersons and members of the joint committee on finance not later than March 1, 1999. The report required under this paragraph shall include recommendations, in the form of proposed legislation, regarding additional aid for Menominee County and the town of Menominee if the task force finds that the county and the town have taken action to substantially correct the concerns raised by the legislative audit bureau.

(d) The task force shall disband after it reports its findings to the cochairpersons and members of the joint committee on finance.

(1g) PETROLEUM CLEANUP REPORTS. The secretary of administration, the secretary of natural resources and the secretary of commerce shall submit reports to the joint committee on finance at the 1st and 3rd quarterly meetings of the committee for the 1998−99 fiscal year under section 13.10 of the statutes that document the progress of the department of natural resources and the department of commerce toward meeting the requirements of the memorandum of understanding under section 101.144 (3m) of the statutes. The reports shall include at least the following information:

(a) The progress toward determining the classification of petroleum discharge sites as high, medium or low priority.

(b) The number of petroleum discharge sites under the jurisdiction of the department of natural resources and under the jurisdiction of the department of commerce.

(c) The number of petroleum discharge sites closed by the department of natural resources and by the department of commerce.

(d) The time that it takes to close petroleum discharge sites after the discharges are reported to this state.

(e) The progress made by the department of commerce in using the authority under section 101.143 (4) (ce) of the statutes in requiring the use of specified service providers in order to reduce costs of cleanups and in requiring owners of petroleum discharge sites to use a public bidding process in order to reduce the costs of cleanups.

(f) A summary of the definitions in the memorandum of understanding of high, medium and low priority sites and the reasons for those definitions.

(g) If more than 30% of the total known active petroleum discharge sites are classified as high priority, a description of the causes for that number of high priority sites.

SECTION 9201. Appropriation changes; administration.

(1) PARI−MUTUEL WAGERING; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (8) (g) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $14,000 for fiscal year 1997−98 and the dollar amount is increased by $14,000 for fiscal year 1998−99 to increase funding for the purpose for which the appropriation is made.

(2) INDIAN GAMING; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (8) (h) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $50,000 for fiscal year 1997−98 and the dollar amount is increased by $50,000 for fiscal year 1998−99 to increase funding for the purpose for which the appropriation is made.

SECTION 9203. Appropriation changes; aging and long−term care board.

(1k) OMBUDSMAN POSITIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board on aging and long−term care under section 20.432 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $68,700 for fiscal year 1998−99 to increase the authorized FTE positions for the board by 3.0 GPR positions on January 1, 1999, for the performance of activities as representatives of the long−term care ombudsman.

SECTION 9204. Appropriation changes; agriculture, trade and consumer protection.

(1c) FISH FARMS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (2) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $265,000 for fiscal year 1998−99 to increase the authorized FTE positions for the department by 5.0 GPR positions for the performance of duties related to fish farms.

Vetoed In Part

(1wx) ENGINEERING POSITIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (7) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $100,700 for fiscal year 1998−99 to increase the authorized FTE positions for the department by 2.0 GPR engineer positions to provide training, consultation and oversight to county conservation staff.

(1wy) SOIL AND WATER RESOURCE MANAGEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (7) (c) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $100,700 for fiscal year 1997−98 to decrease funding for the purpose for which the appropriation is made.

SECTION 9205. Appropriation changes; arts board.

(1n) HISTORIC THEATRE RENOVATION GRANT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the arts board under section 20.215 (1) (b) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $150,000 for fiscal year 1998−99 to increase funding for the purposes for which the appropriation is made.

SECTION 9210. Appropriation changes; commerce.

(1) DEVELOPMENT FUND APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (c) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $3,000,000 for fiscal year 1997−98 to increase funding for the grant program under section 560.145 of the statutes, as created by this act, the loan program under s. 560.147 of the statutes, as created by this act, and the grant under SECTION 9110 (1) of this act.

(2) RURAL ECONOMIC DEVELOPMENT PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (er) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $250,000 for fiscal year 1997−98 and the dollar amount is increased by $250,000 for fiscal year 1998−99 to increase funding for the purposes for which the appropriation is made.

(3c) DEVELOPMENT FUND LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, on June 29, 1999, there is lapsed to the general fund $2,800,000 from the appropriation account of the department of commerce under section 20.143 (1) (c) of the statutes, as affected by the acts of 1997.

(3f) PHYSICIAN AND HEALTH CARE PROVIDER LOAN ASSISTANCE PROGRAMS APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (f) of the statutes, as affected by the acts of 1997, the dollar amount for fiscal year 1997−98 is increased by an amount equal to the total amount of the moneys under the appropriations under section 20.143 (1) (fc) and (fe), 1995 stats., that lapsed to the general fund on October 14, 1997, to increase funding for the purposes for which the appropriation is made.

SECTION 9211. Appropriation changes; corrections.

(3) PRISON CONTRACT MANAGEMENT SUBUNIT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $76,600 for fiscal year 1997−98 and the dollar amount is increased by $209,700 for fiscal year 1998−99 to increase the authorized FTE positions by 5.0 GPR positions for the purpose of performing services related to prison contracts.

(4) STAFFING FOR A MAXIMUM SECURITY CORRECTIONAL INSTITUTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $50,800 for fiscal year 1997−98 and the dollar amount is increased by $1,964,500 for fiscal year 1998−99 to increase the authorized FTE positions by 2.0 GPR positions on the effective date of this subsection and 33.0 GPR positions on July 1, 1998, for the purpose of starting up and staffing the maximum security correctional institution specified in section 301.16 (1n) of the statutes.

(5) STAFFING FOR FOX LAKE CORRECTIONAL INSTITUTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as

affected by the acts of 1997, the dollar amount is increased by $434,900 for fiscal year 1998–99 to increase the authorized FTE positions by 21.04 GPR positions on July 1, 1998, for the purpose of staffing at Fox Lake correctional institution.

(6) GENERAL PROGRAM OPERATIONS; GREEN BAY CORRECTIONAL INSTITUTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $248,700 for fiscal year 1998–99 to increase the authorized FTE positions for the department by 12.28 GPR positions for the purpose of providing staffing in the Green Bay Correctional Institution.

(7) ENERGY COSTS; GREEN BAY CORRECTIONAL INSTITUTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (f) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $3,300 for fiscal year 1998–99 to increase funding for the purpose for which the appropriation is made.

(8) INSTITUTIONAL REPAIR AND MAINTENANCE; GREEN BAY CORRECTIONAL INSTITUTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (aa) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $5,900 for fiscal year 1998–99 to increase funding for the purpose for which the appropriation is made.

(9e) PAROLE COMMISSION; VICTIM ATTENDANCE AT PAROLE HEARINGS AND INTERVIEWS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (2) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $105,800 for fiscal year 1998–99 to increase the authorized FTE GPR positions for the parole commission by 1.0 parole commissioner position and 1.0 administrative assistant position on July 1, 1998, to perform services relating to the attendance of victims at parole hearings and interviews.

(11) ENERGY COSTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (f) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $429,900 for fiscal year 1997–98 and the dollar amount is increased by $429,900 for fiscal year 1998–99 to increase funding for the purpose for which the appropriation is made.

SECTION 9215. Appropriation changes; employe trust funds.

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of employe trust funds under section 20.515 (1) (w) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $35,400 for fiscal year 1997–98 and the dollar amount is increased by $76,900 for fiscal year 1998–99 to increase funding for the purpose for which the appropriation is made.

SECTION 9218. Appropriation changes; ethics board.

(1) EXECUTIVE DIRECTOR POSITION SALARY COSTS.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the ethics board under section 20.521 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $7,600 for fiscal year 1998–99 to increase funding for salary costs of the executive director's position.

(b) In the schedule under section 20.005 (3) of the statutes for the appropriation to the ethics board under section 20.521 (1) (g) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $4,400 for fiscal year 1998–99 to increase funding for salary costs of the executive director's position.

SECTION 9220. Appropriation changes; governor.

(1z) NATIONAL GOVERNORS ASSOCIATION CONFERENCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the office of the governor under section 20.525 (1) (cm) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $150,000 for fiscal year 1997–98 to increase funding for the purpose for which the appropriation is made.

SECTION 9222. Appropriation changes; health and family services.

(1) MEDICAL ASSISTANCE; SUPPLEMENTAL SECURITY INCOME. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (5) (b) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $25,000 for fiscal year 1998–99 to decrease funding for the purpose for which the appropriation is made.

(2) SUPPLEMENTAL SECURITY INCOME PILOT PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (6) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $25,000 for fiscal year 1998–99 to increase funding for general program operations of the pilot program under section 49.46 (1m) of the statutes, as created by this act.

(3) SUBSTANCE ABUSE PREVENTION AND TREATMENT FUNDING FOR MILWAUKEE COUNTY. There is transferred from the appropriation to the department of health and family services under section 20.435 (7) (md) of the statutes, as affected by the acts of 1997, to the appropriation to that department under section 20.435 (7) (o) of the statutes, as affected by the acts of 1997, $791,500 in fiscal year 1997–98 and $1,583,000 in fiscal year 1998–99 to provide federal substance abuse prevention and treatment moneys received under 42 USC 300x–21 to 300x–35 to Milwaukee County.

Vetoed In Part

(3f) MILWAUKEE CHILD WELFARE SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (3) (cw) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $427,500 for fiscal year 1998−99 to decrease funding for the purpose for which the appropriation is made.

(5) SUPPLEMENT TO COMMUNITY OPTIONS PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (7) (bd) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $4,784,600 for fiscal year 1998−99 to increase funding for assessments, case plans and services under section 46.27 (7) of the statutes, to implement expansion of the caseload on a phased−in basis beginning on July 1, 1998, and ending on December 31, 1998.

(6) SUPPLEMENT TO COMMUNITY OPTIONS PROGRAM SERVICES UNDER FEDERAL WAIVER. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (7) (bd) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $5,131,900 for fiscal year 1998−99 to increase funding for assessments, case plans and services under section 46.27 (11) of the statutes, to implement expansion of the caseload on a phased−in basis beginning on July 1, 1998, and ending on December 31, 1998.

(7) COMMUNITY OPTIONS PROGRAM QUALITY ASSURANCE FUNDING. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (6) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $83,500 for fiscal year 1998−99 to increase funding for federally required quality assurance activities that are related to services provided under section 46.27 (11) of the statutes, to implement expansion of the caseload on a phased−in basis beginning on July 1, 1998, and ending on December 31, 1998.

(7g) MEDICAL ASSISTANCE; COMMUNITY OPTIONS PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (5) (b) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $6,000,000 for fiscal year 1997−98 to decrease funding for the purposes for which the appropriation is made.

(7t) SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (5) (em) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $518,100 for fiscal year 1998−99 to increase nutrition services and administration grant awards to local agencies.

(7x) RELOCATION SERVICES FOR EMPLOYES OF STATE CENTERS FOR THE DEVELOPMENTALLY DISABLED. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (2) (gk) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $20,900 for fiscal year 1997−98 and the dollar amount is increased by $63,300 for fiscal year 1998−99 to increase funding for relocation services for employes of the state centers for the developmentally disabled.

(8) PILOT PROJECT FOR COUNTY OR TRIBAL MANAGEMENT OF LONG−TERM CARE PROGRAMS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (6) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $500,000 for fiscal year 1998−99 to provide funding for a pilot project to demonstrate the ability of counties or tribes to manage all long−term care programs under a long−term care management organization.

(8k) MEDICAL ASSISTANCE OUTREACH. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (1) (bm) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $100,000 for fiscal year 1997−98 for the purpose of providing funding for outreach activities under the medical assistance program.

(8mk) NURSING HOME SURVEILLANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (6) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $14,500 for fiscal year 1998−99 to increase the authorized FTE positions for the department by 0.5 GPR position on January 1, 1999, for the performance of nursing home surveillance.

SECTION 9223. Appropriation changes; higher educational aids board.

(1f) DEPUTY SECRETARY POSITION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the higher educational aids board under section 20.235 (2) (aa) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $69,900 for fiscal year 1998−99 to increase the authorized FTE positions for the board by 1. 0 GPR deputy secretary position.

(4c) MINORITY TEACHER LOANS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the higher educational aids board under section 20.235 (1) (cr) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $120,000 for fiscal year 1998−99 to increase funding for the purpose for which the appropriation is made.

SECTION 9226. Appropriation changes; insurance.

(1m) REGULATION OF MANAGED CARE PLANS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the office of the commissioner of insurance under section 20.145 (1) (g) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $104,500 for fiscal year 1998–99 to increase the authorized FTE positions for the office by 2.0 PR positions for the performance of services related to the regulation of managed care plans.

SECTION 9231. Appropriation changes; legislature.

(1d) JOINT FINANCE PROGRAM SUPPLEMENT APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $1,039,900 for fiscal year 1997–98 and the dollar amount is increased by $3,887,300 for fiscal year 1998–99 to modify funding for the purposes for which the appropriation is made.

SECTION 9234. Appropriation changes; Medical College of Wisconsin.

(1) FAMILY PRACTICE RESIDENCY PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the Medical College of Wisconsin, Inc., under section 20.250 (1) (b) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $181,900 for fiscal year 1998–99 to increase funding for the purpose for which the appropriation is made.

SECTION 9235. Appropriation changes; military affairs.

(1) BADGER CHALLENGE PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of military affairs under section 20.465 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $330,000 for fiscal year 1998–99 to delete funding for the Badger challenge program.

SECTION 9236. Appropriation changes; natural resources.

(1) NONINDUSTRIAL PRIVATE FOREST LANDS.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (mu) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $75,800 for fiscal year 1998–99 to provide funding for the implementation of the program to award grants for management plans for nonindustrial private forest lands.

(b) 1. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (mu) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $18,600 for fiscal year 1997–98 and the dollar amount is increased by $24,200 for fiscal year 1998–99 to increase the authorized FTE positions for the department of natural resources by 0.5 SEG position for the private forest landowner grant program.

2. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (9) (mu) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $18,600 for fiscal year 1997–98 and the dollar amount is decreased by $24,200 for fiscal year 1998–99 to decrease the authorized FTE positions for the department of natural resources by 0.5 SEG position for the private forest landowner program.

(2) COUNTY FOREST ADMINISTRATORS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (5) (bw) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $13,500 for fiscal year 1997–98 and the dollar amount is increased by $30,000 for fiscal year 1998–99 to provide funding for salaries of county forest administrators and assistant county forest administrators.

Vetoed In Part

(2c) FISH FARMS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (ma) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $265,000 for fiscal year 1998–99 to decrease the authorized FTE positions for the department by 5.0 GPR positions related to fisheries management and habitat protection.

(3) SNOWMOBILE TRAIL USE STICKERS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (9) (mu) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $85,000 for fiscal year 1998–99 to increase the authorized FTE positions for the department of natural resources by 1.0 SEG project position for the period beginning July 1, 1998, and ending June 30, 1999, to develop and administer the procedures for issuing snowmobile trail use stickers.

(3f) CONSERVATION WARDEN FUNDING FROM SNOWMOBILE ENFORCEMENT AND SAFETY TRAINING APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (aq) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $62,500 for fiscal year 1998–99 to increase the authorized FTE positions for the department of natural resources by 1.0 SEG conservation warden position.

Vetoed In Part

(3g) HYDROGEOLOGIST POSITIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (2) (dw) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $147,300 for fiscal year 1998–99 to increase the authorized FTE positions for the department by 3.0 SEG hydrogeologist positions.

(4) COMPUTER RECYCLING. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (6) (br) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $409,800 for fiscal year 1998−99 for the grant required under SECTION 9136 (2f) of this act.

(4p) RURAL NONPOINT SOURCE COST−SHARE GRANTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (6) (aa) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $425,000 for fiscal year 1997−98 to fund rural nonpoint source cropland practices that were installed in calendar year 1997 and that are reimbursable in calendar year 1998.

(5c) COUNTY FOREST ADMINISTRATOR GRANT PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (5) (bw) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $272,000 for fiscal year 1998−99 to increase funding for county forest administrator grants under section 28.11 (5m) of the statutes.

(5d) CONSERVATION WARDENS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (ma) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $619,600 for fiscal year 1998−99 to increase the authorized FTE positions for the department of natural resources by 17.0 GPR conservation warden positions on January 1, 1999.

SECTION 9238. Appropriation changes; public defender board.

(5) PRIVATE BAR COSTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the public defender board under section 20.550 (1) (d) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $816,900 for fiscal year 1997−98 to increase funding for the purposes for which the appropriation is made.

SECTION 9239. Appropriation changes; public instruction.

(1t) MINORITY GROUP PUPIL SCHOLARSHIPS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (3) (fz) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $150,000 for fiscal year 1998−99 to increase funding for the purpose for which the appropriation is made.

SECTION 9242. Appropriation changes; revenue.

(1) TAX AMNESTY. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $819,900 for fiscal year 1997−98 and the dollar amount is increased by $1,138,400 for fiscal year 1998−99 to increase funding for administration of a tax amnesty program.

(2) BUSINESS TAX REGISTRATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (gb) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $503,700 for fiscal year 1997−98 and the dollar amount is increased by $308,100 for fiscal year 1998−99 to increase funding for the purpose for which the appropriation is made.

(3) GENERAL PROGRAM OPERATIONS, COLLECTION OF TAXES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $219,700 for fiscal year 1998−99 to increase funding for limited term employes.

(4) ENDANGERED RESOURCES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (hp) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $2,900 for fiscal year 1998−99 to increase funding for limited term employes.

(5) COUNTY SALES AND USE TAXES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (g) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $6,500 for fiscal year 1998−99 to increase funding for limited term employes.

(6) DEBT COLLECTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (h) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $4,400 for fiscal year 1998−99 to increase funding for limited term employes.

(7) RECYCLING SURCHARGE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (q) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $19,300 for fiscal year 1998−99 to increase funding for limited term employes.

(8) DRY CLEANER FEES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (r) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $1,300 for fiscal year 1998−99 to increase funding for limited term employes.

(9) GENERAL PROGRAM OPERATIONS, STATE AND LOCAL FINANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (2) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $3,600 for fiscal year 1998−99 to increase funding for limited term employes.

(10) GENERAL PROGRAM OPERATIONS, ADMINISTRATIVE SERVICES AND SPACE RENTAL. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (3) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $104,100 for fiscal year 1998–99 to increase funding for limited term employes.

(11) EDUCATION TAX DEDUCTIONS AND CREDIT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $70,000 for fiscal year 1998–99 to increase funding for the administration of the higher education tax deduction under section 71.05 (6) (b) 28. of the statutes.

(12) TRANSFER TO COMPUTER ESCROW FUND. On or before June 30, 1999, there is transferred $64,000,000 from the general fund to the computer escrow fund under section 25.32 of the statutes, as created by this act.

(13p) TRANSFER FROM COMPUTER ESCROW FUND. On July 1, 1999, there is transferred $64,000,000 from the computer escrow fund under section 25.32 of the statutes, as created by this act, to the general fund.

SECTION 9247. Appropriation changes; tourism.

(1) TOURISM MARKETING AND PROMOTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of tourism under section 20.380 (1) (b) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $750,000 for fiscal year 1997–98 and the dollar amount is increased by $750,000 for fiscal year 1998–99 to increase funding for tourism marketing and promotion. **Vetoed In Part**

SECTION 9252. Appropriation changes; University of Wisconsin System.

(1) FAMILY PRACTICE RESIDENCY PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (1) (fc) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $181,900 for fiscal year 1998–99 to decrease funding for the purpose for which the appropriation is made.

(2) SOLID WASTE RESEARCH AND EXPERIMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (1) (tm) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $8,100 for fiscal year 1997–98 and the dollar amount is increased by $13,100 for fiscal year 1998–99 to increase funding for the purposes for which the appropriation is made.

(3t) BIOLOGICAL SCIENCES PROJECT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $1,500,000 for fiscal year 1998–99 to increase the authorized FTE positions for the University of Wisconsin System by 8.0 GPR positions for the purpose of expanding interdisciplinary programs in the biological sciences at the University of Wisconsin–Madison. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 1999–2001 biennial budget bill, the board of regents of the University of Wisconsin System shall submit information concerning the appropriation under section 20.285 (1) (a) of the statutes as though the increase in the dollar amount of that appropriation by this subsection had been $575,000.

SECTION 9253. Appropriation changes; veterans affairs.

(1) VETERANS MUSEUM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of veterans affairs under section 20.485 (2) (c) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by $21,100 for fiscal year 1997–98 and the dollar amount is decreased by $21,100 for fiscal year 1998–99 to decrease the authorized FTE positions for the department by 0.35 GPR position.

(2) VETERANS MUSEUM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of veterans affairs under section 20.485 (2) (wd) of the statutes, as affected by the acts of 1997, the dollar amount is increased by $21,100 for fiscal year 1997–98 and the dollar amount is increased by $21,100 for fiscal year 1998–99 to increase the authorized FTE positions for the department by 0.35 SEG position.

SECTION 9256. Appropriation changes; other.

(1k) PROPERTY TAX RELIEF FUND TRANSFER. On or before June 21, 1999, there is transferred $100,000,000 from the general fund to the property tax relief fund.

(2c) USE OF SURPLUS FOR CHANGES TO THE SCHOOL PROPERTY TAX CREDIT.

(a) No later than September 4, 1998, the legislative fiscal bureau shall prepare an estimate of the net balance of the general fund as of June 30, 1999. The legislative fiscal bureau shall certify the amount by which that estimate exceeds $20,000,000 to the joint committee on finance and the secretary of revenue. **Vetoed In Part**

(b) Not later than September 15, 1998, the secretary of revenue shall submit to the joint committee on finance a proposal to use the amount certified under paragraph (a) to expand the school property tax credit under section 71.07 (9) of the statutes by increasing the percentages or dollar amounts or both in section 71.07 (9) (b) of the statutes. The proposal shall specify that the expansion of the credit as described in this paragraph shall first apply to taxable years beginning on January 1, 1998. **Vetoed In Part** **Vetoed In Part** **Vetoed In Part**

(c) The joint committee on finance shall either approve or modify the proposal described in paragraph (b) **Vetoed In Part**

Vetoed In Part

at its 3rd quarterly meeting in 1998. The secretary of revenue shall publish the proposal, as approved or modified by the joint committee on finance under this paragraph in the administrative register. The department of revenue shall modify its individual income tax forms and instructions to incorporate the changes to the school property tax credit that are made under this paragraph.

SECTION 9301. Initial applicability; administration.

(1gx) LIABILITY FOR DELINQUENT TAXES. The treatment of sections 218.11 (2) (a) and (am) and (7) (b) and 218.12 (2) (am) 2. and (5) of the statutes (with respect to information required on applications and with respect to the denial of applications), the renumbering of sections 218.11 (6m) and 218.12 (3m) of the statutes (with respect to information required on applications and with respect to the denial of applications) and the creation of sections 218.11 (6m) (b) and 218.12 (3m) (b) of the statutes (with respect to information required on applications and with respect to the denial of applications) first apply to applications that are received by the department of administration on the effective date of this subsection.

(2e) GAMING LICENSES. The treatment of section 562.05 (1c) and (7) (am) of the statutes first applies to applications for licenses that are received by the department of administration under that section on the effective date of this subsection.

SECTION 9309. Initial applicability; circuit courts.

(1) TERMINATION OF PARENTAL RIGHTS.

(a) *Abandonment.* The treatment of section 48.415 (1) (a) (intro.), 1., 1m., 1r. and 2. of the statutes first applies to petitions for termination of parental rights under section 48.42 (1) of the statutes filed on the effective date of this paragraph.

(b) *Continuing need of protection or services.* Subject to SECTION 9109 (1) (a) of this act, the treatment of section 48.415 (2) (b) 1. and 2. and (c) of the statutes first applies to court orders required to contain the notice under section 48.356 (2) or 938.356 (2) of the statutes entered on the effective date of this paragraph.

(c) *Commission of serious felony against the person's child.* Subject to SECTION 9109 (1) (c) of this act, the treatment of section 48.415 (9m) (b) of the statutes first applies to petitions for termination of parental rights under section 48.42 (1) of the statutes filed on the effective date of this paragraph.

(2) SAFETY OF CHILDREN.

(a) *Juvenile court orders.* The treatment of sections 48.21 (5) (b), 48.355 (2) (b) 6., (2c) (a) (intro.) and 1. and (b) and (2d), 48.365 (2m) (a), 48.43 (1) (d), 938.21 (5) (b), 938.355 (2) (b) 6., (2c) (a) (intro.) and 1. and (b) and (2d) and 938.365 (2m) (a) of the statutes first applies to juvenile court orders entered on the effective date of this paragraph.

(b) *Juvenile court reports and permanency plans.* The treatment of sections 48.365 (1) and (2g) (b) 2. and 3., 48.38 (4) (a), (bm), (e), (f) 1. and 3., (fm) and (g), 48.425 (1) (c) and (d), 938.365 (1) and (2g) (b) 2. and 3. and 938.38 (4) (a), (bm), (e), (f) 1. and 3., (fm) and (g) of the statutes first applies to reports and permanency plans filed on the effective date of this paragraph.

(c) *Permanency plan reviews.* The treatment of sections 48.38 (5) (b) and (c) 1., 4., 5., 6. (intro.), a., b. and c. and 7. and 938.38 (5) (b) and (c) 1., 4., 5., 6. (intro.) and a. and 7. of the statutes first applies to permanency plan reviews conducted on the effective date of this paragraph.

(d) *Petitions filed.* The treatment of section 48.977 (2) (f) of the statutes first applies to petitions filed on the effective date of this paragraph.

(e) *Juvenile court hearings.* The treatment of sections 48.27 (3) (a) 1m. and 2. and (6), 48.357 (2r), 48.363 (1m), 48.365 (2m) (ag), 48.42 (2g) (am) and (b), 48.427 (1m), 938.27 (3) (a) 1m. and 2. and (6), 938.357 (2r), 938.363 (1m) and 938.365 (2m) (ag) of the statutes first applies to hearings held on the effective date of this paragraph.

(3) PARENTAL LIABILITY FOR GUARDIAN AD LITEM FEES. The treatment of sections 48.235 (8), 55.06 (6) and (9) (b), 880.33 (2) (a) 3. and 880.331 (8) of the statutes, the renumbering and amendment of section 938.235 (8) of the statutes and the creation of section 938.235 (8) (b), (c), (d) and (e) of the statutes first apply to services provided by a guardian ad litem on the effective date of this subsection.

(4t) GUARDIAN AD LITEM COSTS. The treatment of section 758.19 (6) (b), (d) (intro.) and (e) of the statutes first applies to reports submitted to the director of state courts on May 15, 1999, and payments made on July 1, 1999.

SECTION 9310. Initial applicability; commerce.

(1) LICENSE DENIALS FOR TAX DELINQUENCY. The treatment of section 101.02 (20) (b) and (c) of the statutes first applies to applications for licenses or license renewals that are received on the effective date of this subsection.

SECTION 9311. Initial applicability; corrections.

(1e) VICTIM ATTENDANCE AT PAROLE HEARINGS AND INTERVIEWS. The treatment of section 304.06 (1) (d) 1. and 3g., (eg) and (f) of the statutes first applies to parole applications made on the effective date of this subsection.

SECTION 9315. Initial applicability; employe trust funds.

(1) BENEFITS PAYABLE AND CONTRIBUTIONS PERMITTED UNDER THE WISCONSIN RETIREMENT SYSTEM. The treatment of sections 40.25 (6) (a) 5. and (7) (g), 40.31 (1) and (2) and 40.32 (1) and (3) of the statutes first applies to individuals who are participating employes in the Wisconsin retirement system on the effective date of this subsection.

SECTION 9316. Initial applicability; employment relations commission.

(1) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (fm) and (nc) 1. b. and 1. c. of the stat-

utes first applies to petitions for arbitration filed under section 111.70 (4) (cm) 6. of the statutes relating to proposed collective bargaining agreements that apply to the period beginning on July 1, 1999.

SECTION 9318. Initial applicability; ethics board.

(1) DISCLOSURE OF SOCIAL SECURITY NUMBERS; NONISSUANCE OF LICENSES AND REGISTRATIONS. The treatment of sections 13.63 (1) and 19.55 (2) (d) of the statutes first applies with respect to applications for licensure filed under section 13.63 of the statutes on the effective date of this subsection.

SECTION 9319. Initial applicability; financial institutions.

(1) LICENSES AND LIABILITY FOR DELINQUENT TAXES.

(a) *Licensed lenders.* The treatment of section 138.09 (1m) (b) and (3) (am) of the statutes first applies to applications for the issuance of a license received on the effective date of this paragraph.

(b) *Insurance premium finance companies.* The treatment of section 138.12 (3) (d), (4) (b) 5. and (5) (am) of the statutes, the renumbering and amendment of section 138.12 (4) (a) of the statutes and the creation of section 138.12 (4) (a) 1. of the statutes (with respect to information required on applications and with respect to the denial of applications) first apply to applications for the issuance or renewal of a license received on the effective date of this paragraph.

(c) *Sellers of checks.* The treatment of sections 217.05 (1m) and 217.06 (5) of the statutes first applies to applications for the issuance of a license received on the effective date of this paragraph.

(d) *Certain licenses related to motor vehicles.* The treatment of section 218.01 (2) (ig) and (3) (am) of the statutes (with respect to information required on applications and with respect to the denial of applications) first applies to applications for the issuance of a license received on the effective date of this paragraph.

(e) *Adjustment service companies.* The treatment of section 218.02 (2) (a) 2. and (3) (d) of the statutes, the renumbering and amendment of section 218.02 (2) (a) 1. and (9) (a) of the statutes and the creation of section 218.02 (2) (a) 1. a. and b. and (9) (a) 1. of the statutes (with respect to information required on applications and with respect to the denial of applications) first apply to applications for the issuance of a license received on the effective date of this paragraph.

(f) *Collection agencies, collectors and solicitors.* The treatment of section 218.04 (3) (a) and (4) (am) of the statutes (with respect to information required on applications and with respect to the denial of applications) first applies to applications for the issuance or renewal of a license received on the effective date of this paragraph.

(g) *Community currency exchanges.* The treatment of section 218.05 (3) (am), (4) (c) and (11) of the statutes (with respect to information required on applications and with respect to the denial of applications) first applies to applications for the issuance or renewal of a license received on the effective date of this paragraph.

(h) *Mortgage bankers, loan originators and mortgage brokers.* The treatment of section 224.72 (2) (c), (5) (b) and (7m) of the statutes first applies to applications for registration or registration renewal received on the effective date of this paragraph.

(i) *Broker–dealers, agents and investment advisers.* The treatment of sections 551.32 (1) (bm) and 551.34 (1m) of the statutes (with respect to information required on applications and with respect to the denial of applications) first applies to applications for the issuance or renewal of a license received on the effective date of this paragraph.

SECTION 9322. Initial applicability; health and family services.

(2) LICENSE, CERTIFICATION, REGISTRATION OR APPROVAL DENIAL, NONRENEWAL OR REVOCATION BASED ON TAX DELINQUENCY. The treatment of sections 50.35, 50.49 (6) (a) and (b) and (10), 50.498, 51.032, 51.038, 51.04, 51.42 (7) (b) 11. (intro.), 51.421 (3) (a), 51.45 (8) (a), (e) and (f), 146.40 (3), (3m), (4d) and (4m), 146.50 (5) (a), (b) and (g), (6) (a) (intro.), (b) 1. and (c) (intro.), (6g) (a), (7) and (8) (a), (b), (c) and (f), 146.52, 250.05 (5), (6), (8) and (8m), 252.23 (2) and (4) (a), 252.24 (2) and (4) (a), 252.241, 254.115, 254.176 (1), (3) (intro.) and (5), 254.20 (2) (d), (4) and (7), 254.47 (1) and (2m) and 255.08 (2) (a) and (b) of the statutes (with respect to information required on applications and with respect to the denial of applications) first applies to applications for initial or renewal licenses, certifications, registrations or approvals that are received on the effective date of this subsection.

(3) LIABILITY FOR DELINQUENT TAXES. The treatment of section 343.305 (6) (e) of the statutes (with respect to information required on applications and with respect to the denial of applications) first applies to permit and laboratory approval applications that are received by the department of health and family services on the effective date of this subsection.

(4) LICENSE APPLICATIONS; LIABILITY FOR DELINQUENT TAXES. The treatment of sections 48.66 (1), 48.69, 48.715 (7), 48.72 and 301.46 (4) (a) 5. of the statutes (with respect to denial of or refusal to continue a license) first applies to license applications received by the department of health and family services on the effective date of this subsection.

(5) FEDERAL EMPLOYER IDENTIFICATION NUMBERS ON LICENSE APPLICATIONS. The treatment of section 48.66 (2) of the statutes, the amendment of section 48.66 (2m) of the statutes and the creation of section 48.66 (2m) (am), (bm) and (cm) of the statutes (with respect to information required on applications and with respect to the denial of applications) first apply to license applications received by the department of health and family services on the effective date of this subsection.

(6cc) NURSING HOME FORFEITURES. The treatment of sections 50.04 (4) (d) and (5) (a) 1., 2., 3. (intro.) and 6. and (fm) and 456.10 (1) (d) of the statutes first applies to a violation that occurs on the effective date of this subsection.

(6cd) REPEAT VIOLATIONS. The treatment of section 50.04 (5) (a) 5. of the statutes first applies to a repeat violation that occurs on the effective date of this section. In determining whether a violation is a repeat violation, the department of health and family services may not consider violations that occurred more than 2 years before the effective date of this subsection.

SECTION 9326. Initial applicability; insurance.

(1) SOCIAL SECURITY AND FEDERAL EMPLOYER IDENTIFICATION NUMBERS ON CERTAIN LICENSE APPLICATIONS OR RENEWALS.

(a) *Application for agent's license.* The treatment of section 628.095 (1) and (2) of the statutes first applies to license applications that are received on the effective date of this paragraph.

(b) *Renewal of agent's license.* The treatment of sections 628.095 (3) and 628.10 (2) (b) (with respect to failing to provide a social security or federal employer identification number) and (d) of the statutes first applies to annual fees under section 601.31 (1) (m) of the statutes that are payable on the effective date of this paragraph.

(c) *Application for viatical settlement provider's or broker's license.* The treatment of section 632.68 (2) (b) (intro.) and 2. and (4) (b) of the statutes first applies to license applications that are received on the effective date of this paragraph.

(d) *Renewal of viatical settlement provider's or broker's license.* The treatment of section 632.68 (2) (e) and (4) (c) of the statutes first applies to license renewals that occur on the effective date of this paragraph.

(e) *Application for administrator's license.* The treatment of section 633.14 (2) (d) of the statutes first applies to license applications that are received on the effective date of this paragraph.

(f) *Renewal of administrator's license.* The treatment of section 633.15 (1m) and (2) (a) (title), 1., 2. and 3. of the statutes first applies to license renewals that occur on the effective date of this paragraph.

(2) REFUSAL TO ISSUE OR RENEW CERTAIN LICENSES FOR LIABILITY FOR DELINQUENT TAXES.

(a) *Issuance of agent's license and extension of temporary license.* The treatment of section 628.097 (title) of the statutes, the renumbering of section 628.097 (1) and (2) of the statutes and the creation of section 628.097 (1) (a) (title) and (b) and (2) (a) (title) and (b) of the statutes first apply to license applications and applications for extensions of temporary licenses that are received on the effective date of this paragraph.

(b) *Issuance of viatical settlement provider's or broker's license.* The renumbering of section 632.68 (2) (bm) and (cm) and (4) (bm) of the statutes and the creation of section 632.68 (2) (bm) 2. and (cm) 2. and (4) (bm) 2. of the statutes first apply to license applications that are received on the effective date of this paragraph.

(c) *Issuance of administrator's license.* The renumbering of section 633.14 (2m) of the statutes and the creation of section 633.14 (2m) (b) of the statutes first apply to license applications that are received on the effective date of this paragraph.

(d) *Renewal of viatical settlement provider's or broker's license.* The renumbering of section 632.68 (3) (b) and (5) (b) of the statutes (with respect to renewing a license) and the creation of section 632.68 (3) (b) 2. and (5) (b) 2. of the statutes (with respect to renewing a license) first apply to license renewals that occur on the effective date of this paragraph.

(e) *Renewal of administrator's license.* The treatment of section 633.15 (2) (b) 1. (intro.) and (d) of the statutes (with respect to renewing a license) first applies to license renewals that occur on the effective date of this paragraph.

(3d) REQUIREMENTS RELATED TO COVERAGE OF DRUGS AND DEVICES AND EXPERIMENTAL TREATMENT. The treatment of sections 40.51 (8) and (8m), 60.23 (25), 66.184, 111.91 (2) (p) and (q), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.), 609.83, 609.84, 632.853 and 632.855 of the statutes first applies to all of the following:

(a) Except as provided in paragraphs (b) and (c), policies, plans or certificates that are issued or renewed, and self−insured health plans that are established, extended, modified or renewed, on the effective date of this paragraph.

(b) Policies, plans or certificates covering employes who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are issued or renewed on the earlier of the following:

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

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

(c) Self−insured health plans covering employes who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are established, extended, modified or renewed on the earlier of the following:

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

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

(3m) REQUIREMENTS FOR MANAGED CARE PLANS.

(a) *Contract with inconsistent provisions.* If a contract that is in effect on January 1, 1999, that is affected by the treatment of sections 40.51 (12) and (13), 51.20 (7) (am), 601.42 (1g) (d), chapter 609 (title), 609.01 (1), (1c), (1d), (1g), (2), (3), (3c), (3m), (3r), (4), (4m), (5) and (6), 609.05 (1), (2) and (3), 609.10 (1) (a), 609.15 (1) (intro.), (a) and (b) and (2) (a) and (b), 609.17, 609.20 (intro.), (1),

(2) and (4), 609.22, 609.24, 609.30, 609.32, 609.34, 609.36, 609.38, 609.65 (1) (intro.), (a) and (b) (intro.), 1. and 2., (2) and (3), 609.655 (1) (a) 1. and 2., (2), (3) (intro.), (a) and (b) (intro.) and 1., (4) (a) and (b) and (5) (a) and (b), 609.70, 609.75, 609.77, 609.78, 609.79, 609.80, 609.81, 609.91 (1) (intro.) and (b) 2. and 3., (1m), (2), (3) and (4) (intro.), (a), (b), (c), (cm) and (d), 609.92 (5), 609.94 (1) (b), 645.69 (1) and (2) and 646.31 (1) (d) 8. and 9. of the statutes and the repeal and recreation of section 609.82 of the statutes and that was not entered into, issued or renewed after the effective date of this paragraph contains terms or provisions that are inconsistent with any of the requirements under those sections of the statutes, as affected by this act, the treatment of those sections of the statutes that is inconsistent, or the repeal and recreation of section 609.82 of the statutes, if inconsistent, first applies to that contract upon renewal.

(b) *Contract affected by collective bargaining agreement.* If a contract that is in effect on January 1, 1999, that is affected by the treatment of sections 40.51 (12) and (13), 51.20 (7) (am), 601.42 (1g) (d), chapter 609 (title), 609.01 (1), (1c), (1d), (1g), (2), (3), (3c), (3m), (3r), (4), (4m), (5) and (6), 609.05 (1), (2) and (3), 609.10 (1) (a), 609.15 (1) (intro.), (a) and (b) and (2) (a) and (b), 609.17, 609.20 (intro.), (1), (2) and (4), 609.22, 609.24, 609.30, 609.32, 609.34, 609.36, 609.38, 609.65 (1) (intro.), (a) and (b) (intro.), 1. and 2., (2) and (3), 609.655 (1) (a) 1. and 2., (2), (3) (intro.), (a) and (b) (intro.) and 1., (4) (a) and (b) and (5) (a) and (b), 609.70, 609.75, 609.77, 609.78, 609.79, 609.80, 609.81, 609.91 (1) (intro.) and (b) 2. and 3., (1m), (2), (3) and (4) (intro.), (a), (b), (c), (cm) and (d), 609.92 (5), 609.94 (1) (b), 645.69 (1) and (2) and 646.31 (1) (d) 8. and 9. of the statutes and the repeal and recreation of section 609.82 of the statutes and that is affected by a collective bargaining agreement that was not entered into, extended, modified or renewed after the effective date of this paragraph contains terms or provisions that are inconsistent with any of the requirements under those sections of the statutes, as affected by this act, the treatment of those sections of the statutes that is inconsistent, or the repeal and recreation of section 609.82 of the statutes, if inconsistent, first applies to that contract on the earlier of the following:

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

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

(4c) INSURANCE COVERAGE OF TREATMENT OF TEMPOROMANDIBULAR DISORDERS AS WELL AS HOSPITAL CHARGES AND ANESTHETICS FOR DENTAL CARE. The treatment of section 632.895 (11) (a) (intro.), (d) and (e) and (12) (b) (intro.) and (d) of the statutes, the renumbering of section 632.895 (11) (c) of the statutes and the creation of section 632.895 (11) (c) 2. of the statutes first apply to all of the following:

(a) Except as provided in paragraphs (b) and (c), disability insurance policies that are issued or renewed, and self−insured health plans that are established, extended, modified or renewed on the effective date of this paragraph.

(b) Disability insurance policies covering employes who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are issued or renewed on the earlier of the following:

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

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

(c) Self−insured health plans covering employes who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are established, extended, modified or renewed on the earlier of the following:

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

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

SECTION 9336. Initial applicability; natural resources.

(1) APPROVAL DENIALS BASED ON TAX DELINQUENCY. The treatment of sections 29.09 (11r), 29.134 (3), 29.135 (3), 29.33 (2) (d), 29.521 (2) (a) and (c) 1., 29.544 (3), 29.574 (3), 29.575 (3) and 29.578 (4), (5) and (14) (am) and (b) (intro.) of the statutes (with respect to information required on applications and with respect to denial of applications) first applies to applications for issuing or renewing approvals that are received on the effective date of this subsection and (with respect to denial of or refusal to renew an approval for failure to comply with a subpoena or warrant) first applies to failures to comply with subpoenas or warrants that are issued on the effective date of this subsection.

(2) LICENSE DENIAL BASED ON TAX DELINQUENCY. The treatment of sections 281.48 (3) (a) and 299.07 of the statutes (with respect to information required on applications and with respect to the denial of applications) first applies to applications for initial or renewal licenses, registrations or certifications that are received on the effective date of this subsection.

SECTION 9339. Initial applicability; public instruction.

(1) LICENSE DENIAL FOR TAX DELINQUENCY. The treatment of section 118.19 (1m) of the statutes first applies to applications for licenses or permits, for license or permit renewals or for revalidations that are received on the effective date of this subsection.

(2e) SCHOOL DISTRICT REPORTING OF DEBT SERVICE AND REFERENDA RESULTS. The treatment of section 121.91 (3) (a) of the statutes, the renumbering of section 120.115 (1) of the statutes and the creation of section

120.115 (1) (a) of the statutes first apply to a school board or board of school directors of a city of the 1st class that has adopted a resolution on the effective date of this subsection.

SECTION 9341. Initial applicability; regulation and licensing.

(1) LIABILITY FOR DELINQUENT TAXES. The treatment of sections 440.01 (2) (cm), 440.03 (11m) (c) and (12), 440.035 (5), 440.08 (2r) and (4) (a) and (b), 440.12, 440.13 (1) (a), 452.12 (6) (e) (intro.) and 452.18 of the statutes (with respect to information required on applications and with respect to the denial of applications) first applies to applications for initial credentials and renewals of credentials that are received on the effective date of this subsection.

SECTION 9342. Initial applicability; revenue.

(1) PENALTY FOR LATE PAYMENTS. The treatment of section 71.83 (3) of the statutes first applies to amounts due on January 1, 1999.

(2) LIABILITY FOR DELINQUENT TAXES. The treatment of sections 73.03 (50), 73.0302 and 73.09 (6m) and (7m) of the statutes (with respect to information required on applications and with respect to the denial of applications) first applies to applications for certificates or certificate renewals received on the effective date of this subsection.

(3) HIGHER EDUCATION TAX DEDUCTION. The treatment of section 71.05 (6) (b) 28. of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect on or after August 1 the treatment of section 71.05 (6) (b) 28. of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(3b) TAXATION OF NONRESIDENT CASINO OR BINGO WINNINGS. The treatment of sections 71.02 (1) and 71.04 (1) (a) of the statutes first applies to taxable years beginning on January 1, 1998.

(3e) MANUFACTURER'S SALES TAX CREDIT, ALTERNATIVE MINIMUM TAX. The treatment of sections 71.07 (3s) (b) and 71.10 (4) (de) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect except that if this subsection takes effect on or after August 1 the treatment of sections 71.07 (3s) (b) and 71.10 (4) (de) of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(4) DEPRECIATION DEDUCTIONS. The treatment of sections 71.01 (7r), 71.26 (3) (y), 71.365 (1m) and 71.45 (2) (a) 13. of the statutes first applies to property placed in service in taxable years that begin on January 1, 1998.

(5) INTERNAL REVENUE CODE. The treatment of section 71.17 (6) of the statutes first applies to taxable years ending after August 5, 1997.

(5f) PROPERTY TAX PROCEDURES. The treatment of sections 70.109, 70.11 (intro.) and 74.35 (2m) of the statutes first applies to the assessment as of January 1, 1999.

(5p) COMPUTER PAYMENTS. The treatment of sections 70.35 (1) and (2), 79.03 (3) (b) 3. and 4. (intro.), 79.095 and 121.90 (2) of the statutes first applies to payments made in 2000.

(6) QUALIFIED EDUCATION LOANS. The treatment of section 71.05 (6) (a) 12. of the statutes first applies to payments made on January 1, 1998. **Vetoed In Part**

(6n) BOARDS OF REVIEW. The treatment of sections 70.365, 70.45, 70.46 (4), 70.47 (2), (3) (a), (ag), (ah), (ak), (aL), (ar) and (b), (6m), (6r), (7) (a), (ac), (ad), (ae), (af) and (b), (8) (g), (h) and (i) and (9) (a), 73.03 (54) and (55) and 73.09 (7) (a) of the statutes first applies to assessments as of January 1, 2000.

(6t) MANUFACTURERS' SALES TAX CREDIT. The treatment of sections 71.07 (3s) (c) 5., 71.28 (3) (c) 5., 71.34 (1) (j) and 71.47 (3) (c) 5. of the statutes first applies to taxable years beginning on January 1, 1998, and to credits computed on January 1, 1998.

SECTION 9348. Initial applicability; transportation.

(1g) LIABILITY FOR DELINQUENT TAXES. The treatment of sections 218.01 (2) (ie) and (3) (ag), 218.11 (2) (a) and (am) and (7) (b), 218.12 (2) (am) 2. and (5), 218.21 (2) (am) and (2m), 218.22 (4) (b), 218.31 (1) (am) and (1m), 218.32 (4) (b), 218.41 (2) (a) and (am) and (5) (d), 218.51 (3) (a) and (am) and (5) (b), 341.51 (4) (ar) and (4g), 343.305 (6) (e), 343.61 (2), 343.62 (2) (b), 343.64 (2), 343.665 (title), 343.675 (title) and 343.69 of the statutes (with respect to information required on applications and with respect to the denial of applications), the renumbering of sections 218.11 (6m), 218.12 (3m), 218.22 (3m), 218.32 (3m), 343.665 and 343.675 of the statutes (with respect to information required on applications and with respect to the denial of applications) and the creation of sections 218.11 (6m) (b), 218.12 (3m) (b), 218.22 (3m) (b), 218.32 (3m) (b), 343.665 (2) and 343.675 (2) of the statutes (with respect to information required on applications and with respect to the denial of applications) first apply to applications that are received by the department of transportation on the effective date of this subsection.

(1k) TRAFFIC OFFENSES AT RAILROAD CROSSINGS. The treatment of sections 20.395 (2) (gj), 25.40 (1) (ij), 59.25 (3) (f) 2., 59.40 (2) (m), 345.26 (1) (b) 1., 345.37 (2) and (5), 345.47 (1) (intro.), (b) and (c), 345.49 (1), 345.61 (2) (c), 346.17 (2) and (2m), 346.177, 346.49 (1) (a) and (b), (1g), (2) and (2m) (am) and (b) and 346.495 (1) of the statutes first applies to offenses committed on the effective date of this subsection, but does not preclude the counting of other convictions as prior convictions for purposes of sentencing a person, suspending or revoking a person's operating privilege, disqualifying a person

from operating a commercial motor vehicle or determining eligibility for authorization to operate certain vehicles.

(2f) COUNTING OF OFFENSES. The treatment of sections 342.12 (4) (a), (b) and (c) 1. (intro.), 343.10 (5) (a) 3., 343.23 (2) (b), 343.30 (1q) (b) 3., 4. and 5., 343.305 (10) (b) 3., 4. and 5. and (10m), 343.31 (3) (bm) 3., 4. and 5., 346.65 (2) (b), (c), (d) and (e), (2c), (2j) (b) and (c), (2w), (6) (a) 1., 2. and 2m. and (6) (d), 940.09 (1d) and 940.25 (1d) of the statutes first applies to offenses committed on the effective date of this subsection, but does not preclude the counting of other violations as prior convictions, suspensions or revocations for purposes of administrative action by the department of transportation, sentencing by a court or revocation or suspension of operating privileges, except that it does preclude the counting of offenses that occurred before January 1, 1989, as prior convictions, suspensions or revocations.

SECTION 9353. Initial applicability; veterans affairs.

(1) VETERANS HOME LOANS. The treatment of section 45.74 (7) of the statutes first applies to applications received by the department of veterans affairs on the effective date of this subsection.

SECTION 9355. Initial applicability; workforce development.

(1c) EMPLOYER NOTIFICATION OF HEALTH CARE BENEFIT CESSATION. The treatment of sections 109.01 (2), 109.075, 109.12 (1) (a) and (b), (2) and (3), 111.322 (2m) (a) and (b) and 893.98 of the statutes first applies to a cessation of health care benefits, as defined in section 109.075 (1) (d) of the statutes, as created by this act, by an employer, as defined in section 109.075 (1) (c) of the statutes, as created by this act, that occurs on 60th day beginning after the effective date of this subsection.

Vetoed In Part

(1f) PAYMENT OF WAGES. The treatment of section 109.01 (1r) and (3) of the statutes first applies to wages, as defined in section 109.01 (3) of the statutes, as affected by this act, earned by an employe, as defined in section 109.01 (1r) of the statutes, as created by this act, on the effective date of this subsection.

(1xv) LICENSE, PERMIT OR CERTIFICATE DENIAL OR REVOCATION BASED ON TAX DELINQUENCY. The treatment of sections 102.17 (1) (c) and (cr), 103.005 (10), 103.275 (2) (b) (intro.) and (br) and (7) (b) and (c), 103.91 (4) (c), 103.92 (3) and (7), 104.07 (1), (2) and (6) and 105.13 (1) and (3) of the statutes (with respect to denial of or refusal to renew a license, permit or certificate) first applies to applications received by the department of workforce development on the effective date of this subsection.

(1xw) FEDERAL EMPLOYER IDENTIFICATION NUMBERS ON LICENSE, PERMIT OR CERTIFICATION APPLICATIONS. The treatment of sections 102.17 (1) (cg), 103.275 (2) (bg), 103.91 (2) (b), 103.92 (1) (b), 104.07 (4) and 105.06 (1m) of the statutes (with respect to information required on applications and with respect to denial of applications) first applies to license, permit or certification applications received by the department of workforce development on the effective date of this subsection.

SECTION 9356. Initial applicability; other.

(2) PERFORMANCE AND PAYMENT ASSURANCE FOR PUBLIC CONTRACTS. The treatment of sections 84.06 (2) (a) and 779.14 (1e) (title) and (b), (1m) (title), (a), (b) 1., 1m., 2., 3., 4. and 5., (c), (d) and (e) (title), (2) (a) 2. and 3. and (am) 2. c. and (3) (title) of the statutes first applies to contracts for a public improvement or public work entered into, extended or renewed on the effective date of this subsection.

(2d) TIME LIMITS FOR PROSECUTIONS OF CERTAIN CRIMES. The treatment of section 939.74 (2) (c), (cm) and (d) of the statutes first applies to offenses not barred from prosecution on the effective date of this subsection.

(2f) DIVISION OF TOWN SANITARY DISTRICT ASSETS AND LIABILITIES. The treatment of sections 60.79 (2) (c) and 66.03 (2) (a) of the statutes first applies to territory that is transferred on the effective date of this subsection.

(3f) SUNKEN LOGS PERMITS. The treatment of sections 170.12 (3) (em) and (3m) of the statutes first applies to permit applications that are received on the effective date of this subsection.

(4r) DISCIPLINARY PROCEDURES FOR LAW ENFORCEMENT OFFICERS. The treatment of section 62.50 (19) and (21) of the statutes, the renumbering of section 62.50 (17) of the statutes, the amendment of section 62.50 (17) (title) of the statutes and the creation of section 62.50 (17) (b) of the statutes first apply to charges that are filed by the board on the effective date of this subsection.

SECTION 9400. Effective dates; general. Except as otherwise provided in SECTIONS 9401 to 9456 of this act, this act takes effect on the day after publication.

SECTION 9401. Effective dates; administration.

(1) OCCUPATIONAL TAXES IMPOSED ON BINGO RECEIPTS. The renumbering and amendment of section 563.80 of the statutes and the creation of section 563.80 (2) of the statutes take effect on the January 1 after publication.

(1z) WISCONSIN PROMISE CHALLENGE GRANT PROGRAM. The repeal of sections 16.22 (2) (kL) and 20.505 (4) (fm) of the statutes takes effect on January 1, 2000.

SECTION 9405. Effective dates; arts board.

(1n) HISTORIC THEATRE RENOVATION GRANT. The repeal and recreation of section 20.215 (1) (b) of the statutes takes effect on July 1, 1999.

SECTION 9410. Effective dates; commerce.

(1) DEVELOPMENT FUND APPROPRIATION. The repeal and recreation of section 20.143 (1) (c) of the statutes takes effect on June 30, 1999.

SECTION 9411. Effective dates; corrections.

(1) ESTABLISHMENT AND COLLECTION OF FEES FOR JUVENILE CORRECTIONAL SERVICES. The repeal and recreation of section 49.855 (3) and (4m) (b) and (c) of the statutes takes effect on the date stated in the notice published by the department of workforce development in the Wis-

consin Administrative Register under section 767.29 (1) (f) of the statutes, as created by 1997 Wisconsin Act 27, or on October 1, 1999, whichever is earlier.

SECTION 9415. Effective dates; employe trust funds.

(1) PROTECTION OCCUPATION STATUS UNDER THE WISCONSIN RETIREMENT SYSTEM. The treatment of sections 40.02 (17) (m) and (48) (am) and (c) and 40.65 (4v) of the statutes takes effect on the January 1 after publication.

SECTION 9422. Effective dates; health and family services.

(3) CRIMINAL HISTORY AND ABUSE RECORD SEARCHES. The treatment of sections 48.685 (1) (a), (b), (bg) and (d), (2) (a) (intro.), (ad), (am) (intro.) and 5., (b) 1. (intro.) and e. and 3., (bg) and (c), (3) (a) and (b), (3m), (5) (intro.), (a), (bm), (c), (d) and (e), (5c) (a), (b) and (c), (5g), (5m), (6) (a) and (b), (7) (a) and (8), 48.75 (1m), 50.065 (1) (am), (b), (c) (intro.), 3., 5. and 6. and (cm), (2) (a) (intro.), (am) (intro.) and 5., (b) 1. (intro.) and e. and 3., (bg) and (c), (3) (a) and (b), (3m), (5) (intro.), (5m), (6) (a) and (b) and (7) (a) and 146.40 (4r) (am) of the statutes and the renumbering of section 48.685 (5) (b) of the statutes take effect on October 1, 1998, or on the day after publication, whichever is later.

(3c) BREAST CANCER SCREENING. The treatment of 1997 Wisconsin Act 27, section 9123 (10g) (a) takes effect retroactively to October 14, 1997.

(3f) CARETAKER SUPPLEMENT FOR RECIPIENTS OF SUPPLEMENTAL SECURITY INCOME. The treatment of section 49.775 (4) (a) and (b) of the statutes takes effect on July 1, 1998.

(3ty) FUNDING FOR NEONATAL INTENSIVE CARE UNIT TRAINING GRANTS. The repeal of section 20.435 (5) (er) of the statutes takes effect on July 1, 2000.

(4f) MILWAUKEE CHILD WELFARE. The repeal and recreation of section 48.561 (3) (a) of the statutes takes effect on July 1, 1998, or on the day after publication, whichever is later.

Vetoed In Part

(6k) PHYSICIAN ENCOUNTER DATA. The repeal of section 20.435 (1) (dg) of the statutes and the repeal and recreation of section 153.60 (1) of the statutes take effect on July 1, 1999.

SECTION 9426. Effective dates; insurance.

(1k) REQUIREMENTS RELATED TO COVERAGE OF DRUGS AND DEVICES AND EXPERIMENTAL TREATMENT. The treatment of sections 40.51 (8) and (8m), 60.23 (25), 66.184, 111.91 (2) (p) and (q), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.), 609.83, 609.84, 632.853 and 632.855 of the statutes and SECTION 9326 (3d) of this act take effect on January 1, 1999.

(1m) REQUIREMENTS FOR MANAGED CARE PLANS. The treatment of sections 40.51 (12) and (13), 51.20 (7) (am), 601.42 (1g) (d), chapter 609 (title), 609.01 (1), (1c), (1d), (1g), (2), (3), (3c), (3m), (3r), (4), (4m), (5) and (6), 609.05 (1), (2) and (3), 609.10 (1) (a), 609.15 (1) (intro.), (a) and (b) and (2) (a) and (b), 609.17, 609.20 (intro.), (1), (2) and (4), 609.22, 609.24, 609.30, 609.32, 609.34, 609.36, 609.38, 609.65 (1) (intro.), (a) and (b) (intro.), 1. and 2., (2) and (3), 609.655 (1) (a) 1. and 2., (2), (3) (intro.), (a) and (b) (intro.) and 1., (4) (a) and (b) and (5) (a) and (b), 609.70, 609.75, 609.77, 609.78, 609.79, 609.80, 609.81, 609.91 (1) (intro.) and (b) 2. and 3., (1m), (2), (3) and (4) (intro.), (a), (b), (c), (cm) and (d), 609.92 (5), 609.94 (1) (b), 645.69 (1) and (2) and 646.31 (1) (d) 8. and 9. of the statutes and the repeal and recreation of section 609.82 of the statutes take effect on January 1, 1999.

SECTION 9436. Effective dates; natural resources.

(1) SNOWMOBILE TRAIL USE STICKERS.

(a) The treatment of section 350.12 (3j) (b) and (3m) (a) of the statutes takes effect on May 1, 1998.

(b) The treatment of section 350.12 (3j) (e) 1. and 2. of the statutes takes effect on May 1, 1999.

(1t) GASOLINE VAPOR RECOVERY GRANTS. The repeal of section 20.370 (6) (cq) of the statutes takes effect on July 1, 1999.

(2) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. The repeal and recreation of section 20.370 (5) (cq) of the statutes takes effect on July 1, 2000.

(2f) SNOWMOBILE TRAIL MAINTENANCE FUNDING LIMITS. The treatment of section 350.12 (4) (b) 1. and (bm) 1. of the statutes takes effect on July 1, 1998.

(3p) RURAL NONPOINT PRACTICES. The repeal of section 20.370 (6) (at) of the statutes takes effect on July 1, 1999.

SECTION 9442. Effective dates; revenue.

(2) COMPUTER EXEMPTION. The treatment of sections 70.11 (39), 70.35 (1) and (2), 70.36 (1m), 70.995 (12r), 73.06 (3), 76.03 (1), 76.81 and 79.095 of the statutes takes effect on January 1, 1999.

(3) ESCROW. The repeal of section 25.32 of the statutes takes effect on July 2, 1999.

(3b) COUNTY FAIRS. The treatment of section 77.52 (2) (a) 2. of the statutes takes effect on the first day of the 2nd month beginning after publication.

(3c) MINING TAX. The treatment of section 70.375 (6) of the statutes takes effect on January 1, 1998.

(3e) SALES TAX ON FOOD. The treatment of sections 77.51 (4) (a) (intro.) and (cm) and (15) (a) (intro.) and (cm) and 77.54 (20) (bg) and (20m) of the statutes takes effect retroactively to August 1, 1997.

(3t) CALLING CARDS. The treatment of section 77.52 (2) (a) 5. and (3m) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(4b) NUCLEAR SHELTERS. The treatment of section 70.11 (23) of the statutes takes effect on the January 1 after publication.

(4c) MOTOR VEHICLE FUEL TAX. The treatment of sections 78.01 (2) (e) and 78.73 (1) (dm) of the statutes takes effect on the first day of the first month beginning after publication.

(4d) MOTOR VEHICLE RENTAL FEE. The treatment of section 77.995 of the statutes takes effect on the first day of the 2nd month beginning after publication.

(4f) TAX WARRANTS. The treatment of section 71.91 (5) (f) of the statutes takes effect on the first day of the 6th month beginning after publication.

SECTION 9448. Effective dates; transportation.

(1f) WISCONSIN SESQUICENTENNIAL COMMISSION SUPPLEMENT. The repeal of sections 20.395 (5) (qt) and 20.525 (1) (k) of the statutes takes effect on July 1, 1999.

(2f) COUNTING OF OFFENSES. The treatment of sections 342.12 (4) (a), (b) and (c) 1. (intro.), 343.10 (5) (a) 3., 343.23 (2) (b), 343.30 (1q) (b) 3., 4. and 5., 343.305 (10) (b) 3., 4. and 5. and (10m), 343.31 (3) (bm) 3., 4. and 5., 346.65 (2) (b), (c), (d) and (e), (2c), (2j) (b) and (c), (2w), (6) (a) 1., 2. and 2m. and (6) (d), 940.09 (1d) and 940.25 (1d) of the statutes and SECTION 9348 (2f) of this act take effect on January 1, 1999.

SECTION 9452. Effective dates; University of Wisconsin System.

(1) UNIVERSITY SENIOR EXECUTIVE PAY. The repeal and recreation of section 36.09 (1) (e) of the statutes takes effect on September 1, 2003.

SECTION 9455. Effective dates; workforce development.

(1) ELECTRONIC BENEFITS TRANSFER. The treatment of section 20.445 (3) (pv) of the statutes takes effect on April 1, 1999.

SECTION 9456. Effective dates; other.

(1) LICENSE DENIAL AND REVOCATION FOR TAX DELINQUENCIES. The treatment of sections 13.63 (1), 19.55 (2) (d), 29.09 (11r), 29.134 (3), 29.135 (3), 29.33 (2) (d), 29.521 (2) (a) and (c) 1., 29.544 (3), 29.574 (3), 29.575 (3), 29.578 (4), (5) and (14) (am) and (b) (intro.), 48.66 (1) and (2), 48.69, 48.715 (7), 48.72, 50.35, 50.49 (6) (a) and (b) and (10), 50.498, 51.032, 51.038, 51.04, 51.42 (7) (b) 11. (intro.), 51.421 (3) (a), 51.45 (8) (a), (e) and (f), 71.78 (4) (o), 73.03 (28g) and (50), 73.0301, 73.0302, 73.09 (6m), (7) (e) and (7m), 77.61 (5) (b) 10., 77.62 (1) (intro.), 78.70 (1) (intro.), 101.02 (20), 115.31 (title) and (6m), 118.19 (1m), 138.09 (1m) (b), (3) (am) and (4) (c), 138.12 (3) (d), (4) (a) and (b) 5. and (5) (am), 139.03 (2x) (c) and (4), 139.315 (3), 139.39 (6), 146.40 (3), (3m), (4d) and (4m), 146.50 (5) (a), (b) and (g), (6) (a) (intro.), (b) 1. and (c) (intro.), (6g) (a), (7) and (8) (a), (b), (c) and (f), 146.52, 170.12 (3) (em), (3m) and (8) (title) and (b), 217.06 (5), 217.09 (1r), (4) and (6), 218.01 (2) (ie) and (ig) and (3) (ag) and (am), 218.02 (2) (a) 2. and (3) (d), 218.04 (3) (a), (4) (am) and (ar) and (5) (am) and (b), 218.05 (3) (am), (4) (c), (11) and (12) (ar), (b) and (e), 218.11 (2) (a) and (am) and (7) (b), 218.12 (2) (am) 2. and (5), 218.21 (2) (am) and (2m), 218.22 (4) (b), 218.31 (1) (am) and (1m), 218.32 (4) (b), 218.41 (2) (a) and (am) and (5) (d), 218.51 (3) (a) and (am) and (5) (b), 220.01 (1e), 224.72 (2) (c), (5) (b), (6) and (7m), 224.77 (7), 250.05 (5), (6), (8) and (8m), 252.23 (2) and (4) (a), 252.24 (2) and (4) (a), 252.241, 254.115, 254.176 (1), (3) (intro.) and (5), 254.20 (2) (d), (4) and (7), 254.47 (1) and (2m), 255.08 (2) (a) and (b), 281.48 (3) (a), 299.07, 299.08 (1) (b), 301.46 (4) (a) 5., 341.51 (4) (ar) and (4g), 343.305 (6) (e), 343.61 (2), 343.62 (2) (b), 343.64 (2), 343.665 (title), 343.675 (title), 343.69, 440.01 (2) (cm), 440.03 (11m) (c) and (12), 440.035 (5), 440.08 (2r) and (4) (a) and (b), 440.12, 440.13 (1) (a), 441.07 (2), 442.12 (7), 443.11 (6), 443.12 (4), 445.13 (2), 446.05 (2), 447.07 (5), 449.07 (3), 452.12 (6) (e) (intro.), 452.18, 455.09 (3), 456.11 (1) and (2), 551.32 (1) (bm), 551.34 (1m), 562.05 (1c), (5) (a) 10., (7) (am), (8) (e) and (8m), 563.285, 628.095, 628.097 (title), 628.10 (2) (b), (cm) and (d), 632.68 (2) (b) (intro.) and 2. and (e) and (4) (b) and (c), 633.14 (2) (d), 633.15 (1m) and (2) (a) (title), 1., 2. and 3., (b) 1. (intro.) and (d) and 751.15 of the statutes, the repeal of section 71.91 (8) (title) of the statutes, the renumbering of sections 138.12 (4) (a) (intro.), 217.05 (intro.) and (1) to (4), 218.02 (9) (a), 218.11 (6m), 218.12 (3m), 218.22 (3m), 218.32 (3m), 218.41 (3m), 218.51 (4m), 341.51 (4m), 343.65, 343.665, 343.675, 628.097 (1) and (2), 632.68 (2) (bc), (bm) and (cm), (3) (b), (4) (bc) and (bm) and (5) (b) and 633.14 (2c) and (2m) of the statutes, the renumbering and amendment of sections 71.91 (8), 218.02 (2) (a) 1., 218.11 (2) (a) and 343.61 (2) of the statutes, the amendment of section 48.66 (2m) of the statutes, the creation of sections 48.66 (2m) (am), (bm) and (cm), 138.12 (4) (a) 1., 217.05 (1m), 218.02 (2) (a) 1. a. and b., (6) (c) and (9) (a) 1., 218.11 (6m) (b), 218.12 (3m) (b), 218.22 (3m) (b), 218.32 (3m) (b), 218.41 (3m) (b), 218.51 (4m) (b), 341.51 (4m) (b), 343.665 (2), 343.675 (2), 628.097 (1) (a) (title) and (b) and (2) (a) (title) and (b), 632.68 (2) (bc) 2., (bm) 2. and (cm) 2., (3) (b) 2., (4) (bc) 2. and (bm) 2. and (5) (b) 2. and 633.14 (2c) (b) and (2m) (b) of the statutes and SECTIONS 9145 (1), 9301 (2e), 9310 (1), 9318 (1), 9319 (1), 9322 (2), (3), (4) and (5), 9326 (1) and (2), 9336 (1) and (2), 9339 (1), 9341 (1), 9342 (2), 9348 (1g) and 9355 (1xv) and (1xw) of this act take effect on January 1, 1999.

(4e) COMPENSATION TO COUNTIES FOR PROVIDING CRIME VICTIM AND WITNESS SERVICES. The repeal and recreation of section 950.06 (2) of the statutes takes effect on December 1, 1998.